

# **LAW OF GEORGIA**

## **ON INTERNATIONAL PROTECTION**

This Law is based on the Constitution of Georgia, international agreements to which Georgia is a party, and the fundamental human rights and freedoms recognised by international law.

### **Chapter I – General Provisions**

#### **Article 1 – Scope of the Law**

This Law defines:

- a) the entry into and the stay in Georgia of aliens and stateless persons who are not stateless persons with a status in Georgia (a stateless person), and who have requested international protection in accordance with this Law, as well as the standards for the treatment of aliens and stateless persons;
- b) the legal status, rights and obligations and social and economic guarantees of asylum seekers, refugee and humanitarian status holders, and persons under temporary protection;
- c) the grounds and procedures for granting, terminating, revoking and withdrawing refugee and humanitarian status or the status of a person under temporary protection, and for their exclusion from the relevant status;
- d) the authorities of state agencies in the field of ensuring asylum procedures.

#### **Article 2 – Aims of the Law**

The aims of this Law are to:

- a) establish a legal framework for asylum procedures;
- b) ensure the protection of the rights of asylum seekers, refugee and humanitarian status holders, and persons under temporary protection in accordance with the procedures provided for by this Law;
- c) ensure the asylum procedure applies the international protection mechanisms provided for by this Law.

#### **Article 3 – Definition of terms**

For the purposes of this Law, the terms used herein have the following meanings:

- a) the Ministry – the Ministry of Internal Affairs of Georgia;
- b) a request for international protection – the expression by an alien or a stateless person of a will, directly or indirectly, verbally or in writing, to receive international protection in Georgia;
- c) the asylum procedure – the legal process, which involves actions implemented by state agencies responsible for the enforcement of this Law, from the moment of a request for international protection until a final decision on international protection is made,



including until a court decision enters into legal force;

d) an application for international protection – a written application of an alien or a stateless person, by which he/she seeks refugee or humanitarian status in Georgia;

e) an asylum seeker – an alien or a stateless person, who has applied for international protection to a state agency and in respect of whom the Ministry has not made a decision, or a court decision has not yet entered into legal force;

f) international protection – the ensuring of the availability of an asylum procedure and the protection of the rights of refugee and humanitarian status holders, or of persons under temporary protection, in accordance with procedures provided for by this Law;

g) a certificate of an asylum seeker – a document certifying the filing of an application by an alien or a stateless person for international protection and his/her legal stay in Georgia;

h) refugee – an alien or a stateless person who has been granted refugee status on the basis of Article 15 of this Law;

i) a person holding humanitarian status – an alien or a stateless person who has been granted humanitarian status on the basis of Article 19 of this Law;

j) a person under temporary protection – an alien or a stateless person who has been granted the status of a person under temporary protection on the basis of Article 21 of this Law;

k) an internationally protected person – a refugee or humanitarian status holder or a person under temporary protection;

l) the best interests of a minor – the safety, welfare, healthcare, education, development, social, economic and other interests of a minor, which are defined in accordance with international standards and the individual characteristics of a minor, and in accordance with his/her opinion, and which comply with the UN Convention on the Rights of the Child of 1989;

m) a country of origin – a country of citizenship of an alien, as well as a country of permanent residence of a stateless person;

n) an authorised official – an employee of a structural subdivision of the Ministry, who fulfils the functions provided for by this Law on the basis of powers delegated by an individual administrative and legal act of the Minister;

o) detention – restriction of the freedom of movement of an asylum seeker by placing him/her in a temporary detention cell / temporary accommodation centre of the Ministry;

p) illegal entry into the territory of Georgia – crossing the state border of Georgia using forged documents or by any other illegal way;

q) internal displacement alternative – an opportunity for an asylum seeker to move to a certain territory within the country of origin, where he/she has no reasonable fear of being persecuted, or he/she does not face a risk of serious damage, or where he/she has access to efficient and long-term protection from the state agencies of the said country against persecution or serious damage, and where he/she can arrive safely, be legally admitted to and settled, and where, at the same time, he/she has access to opportunities for the respect of human rights and economic survival;

r) a family member – a spouse or a partner in an unregistered marriage of an asylum seeker or an internationally protected person, their minor children from a registered or unregistered marriage, and minors adopted on the basis of the legislation of the country of origin, a mother, a father, a legal representative/supporter of an internationally protected person defined by the legislation of the country of origin, or the practice existing in the country of origin, as well as a parent or an unmarried adult child of an applicant or his/her spouse, who are dependent on him/her, or a beneficiary(ies) of support;

s) family reunion – for the purposes of the principle of the integrity of a family, the entry into and stay in the territory of Georgia of the family members of an internationally protected person;

t) derived status – for the purposes of the principle of integrity of a family, a status granted to an internationally protected person;

u) mass entry – the crossing of the state border of Georgia by a significant number of individuals requesting international protection, which cannot be dealt with or responded to by a single asylum procedure;

v) voluntary repatriation – the making of a decision by an internationally protected person on his/her safe and decent return to a country of origin without any physical, psychological or material coercion;



w) a person with special needs – a minor, a minor left without a legal representative, an elderly person, a person with disabilities, a pregnant woman, a single parent, a victim of trafficking, a person with a serious mental and/or physical illness, a person with post-traumatic disorder, a victim of torture, rape, or psychological, physical, or sexual violence, as well as other persons requiring special procedural guarantees in order to enjoy the rights provided for by this Law and fulfil obligations provided for by the same Law;

x) a reception centre – a place of temporary accommodation for asylum seekers;

y) a travel document of a refugee – a document defined by Article 28 of the UN Convention of 1951 Related to the Status of Refugees;

z) a travel passport – a travel document of a humanitarian status holder;

z<sup>1</sup>) a temporary identity card – a document defined by Article 2(r) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons;

z<sup>2</sup>) a minor left without a legal representative – a minor, who has crossed the state border of Georgia without being accompanied by parents or an adult/guardian/caregiver/supporter responsible for him/her, and who, at the moment of his/her application for international protection, does not enjoy representation by parents or an adult/guardian/caregiver/supporter responsible for him/her, as well as a minor who, after crossing the state border of Georgia, appears to be unaccompanied by parents or an adult/guardian/caregiver/supporter responsible for him/her;

z<sup>3</sup>) Minister – the Minister of Internal Affairs of Georgia;

z<sup>4</sup>) database – a database of asylum seekers and internationally protected persons, which is administered by the Ministry;

z<sup>5</sup>) state agencies responsible for the enforcement of this Law – administrative bodies defined by Chapter X of this Law;

z<sup>6</sup>) a state agency – a state institution funded from the State Budget;

z<sup>7</sup>) a single parent – an asylum seeker or an internationally protected person who is a mother or a father with a minor child (children).

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

## **Chapter II – General Principles and Procedural Guarantees of the Asylum Procedure**

### **Article 4 – Legal guarantees**

1. The rights of asylum seekers and internationally protected persons shall be protected by the State.
2. The decisions, of state agencies and authorised officials responsible for the enforcement of this Law, which contravene this Law shall be void and shall not entail any legal consequences.

### **Article 5 – The principle of confidentiality**

1. Information on asylum seekers and internationally protected persons, as well as data on their application for international protection, and other information, shall be confidential, and such information shall not be disclosed to other organisations, mass media, state agencies and citizens of the country of origin, as well as to the citizens of Georgia and to stateless persons who have a status in Georgia, without the written consent of asylum seekers and internationally protected persons.
2. Compliance with the principle of confidentiality shall be binding for state agencies that are responsible for the enforcement of this Law, who act in the field of international protection, as well as for third parties who participate in the asylum procedure. State



agencies responsible for the enforcement of this Law shall be guided by the requirements of the Law of Georgia on Personal Data Protection.

3. Information may be exchanged for the purposes of the fulfillment of obligations undertaken under international agreements related to terrorism or extradition, provided that information about a request for international protection is kept confidential.

## **Article 6 – Entry into the territory of Georgia and availability of the asylum procedure**

State agencies responsible for the enforcement of this Law shall ensure the exercise of the rights of aliens or stateless persons, who are in need of international protection, to enter the territory of Georgia, and shall provide them with opportunities to have access to the asylum procedure.

## **Article 7 – Release of an asylum seeker from criminal liability**

1. An alien or a stateless person shall be released from criminal liability in the case of his/her entry into the occupied territory of Georgia, or in the case of illegally crossing the state border of Georgia, or in the case of making, acquiring, or keeping for the purposes of making use of, or in the case of using, a forged identity card or other official document, stamp, seal or letterhead (except for actions related to the sale of a forged official document, stamp, seal or letterhead), where he/she entered Georgia from a territory in which he/she faced a threat provided for by Article 1 of the United Nations Convention of 1951 Relating to the Status of Refugees, and Article 21(1) and Article 32(3) of this Law, and if he/she illegally stays in Georgia and requests international protection from the Government of Georgia, unless there is evidence of other crime(s) in his/her actions.

2. Where he/she has conducted actions as provided for by paragraph 1 of this article, an alien or a stateless person shall be released from criminal liability provided that he/she immediately appears before the governmental authorities and submits a relevant explanation with regard to the reasons for conducting such actions.

3. An alien or a stateless person, who has conducted actions as provided for by paragraph 1 of this article because he/she was a victim of trafficking prior to obtaining the status of victim of trafficking, shall be released from criminal liability as provided for by paragraph 1 of this article.

4. If it is determined by the relevant final decision on international protection that an alien or a stateless person is not in need of international protection, the release from criminal liability provided for by paragraph 1 of this article shall not apply.

## **Article 8 – The principle of non-expulsion**

1. An asylum seeker or an internationally protected person shall not be returned or expelled to the border of the country where his/her life or freedom is endangered on the grounds of his/her race, religion, nationality, affiliation to a certain social group or political views.

2. Paragraph 1 of this article shall not apply to an asylum seeker or an internationally protected person, in connection with whom there are sufficient grounds to believe that he/she poses a threat to the state security of Georgia, or to an asylum seeker or an internationally protected person who has been convicted of committing a grave crime in Georgia on the basis of a court ruling having entered into legal force, nor to those who pose a threat to the public.

## **Article 9 – Detention**

1. Detention is an extreme measure, which shall not be discriminatory and shall serve only lawful purposes.

2. An asylum seeker shall be detained, if:

a) there is a threat that the he/she may go into hiding, and/or may evade cooperation with an authorised official;

b) he/she cannot be identified;



c) there are sufficient grounds to believe that he/she may endanger the state security of Georgia.

3. When detaining an asylum seeker, the procedures for the detention of an alien and his/her placement at a temporary accommodation centre, as provided for by the legislation of Georgia, shall apply.

4. The detained asylum seeker shall be placed separately from offenders who have violated other laws. Men and women shall be placed separately, unless they are family members. Minors shall be placed separately from adults, unless they are family members. The integrity of the family shall be maintained, unless there are other grounds that require the separation of the members of the family for security purposes.

5. (Deleted – 5.7.2018, No 3099).

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

#### **Article 10 – Inadmissibility of discrimination**

This Law shall apply without discrimination to an asylum seeker and an internationally protected person, regardless of his/her race, skin colour, language, sex, age, citizenship, origin, place of birth, place of residence, property or social status, religion or belief, national, ethnic or social affiliation, profession, marital status, health status, disability status, sexual orientation, gender identity and expression, political or other views, and other grounds.

#### **Article 11 – Observance of the principle of family integrity**

1. The Ministry shall ensure the integrity of the family of an internationally protected person.

2. All family members shall have the right to an individual review of their application for international protection.

3. If an alien, or a stateless person is granted refugee or humanitarian status, or the status of a person under temporary protection, or if the term of his/her humanitarian status or status of a person under temporary protection is extended, a family member accompanying him/her, as well as a minor, whose lawful representative/guardian/caregiver/supporter such person is, shall be granted refugee status, humanitarian status or the status of a person under temporary protection, or his/her humanitarian status shall be extended or the term of the status of a person under temporary protection shall be extended, except where there are grounds provided for by Article 17 or Article 18 of this Law.

#### **Article 12 – Taking into account the best interests of minors**

Decisions related to minors shall comply with the UN Convention on the Rights of the Child of 1989, and shall take into account the best interests of minors. In the assessment of the best interests of minors, the state agencies responsible for the enforcement of this Law shall pay particular attention to the principle of integrity of the family, the welfare of a minor, his/her social development, the safety and the opinion of a minor, by taking into account his/her age and skills (including the level of development, ability of perception and communication skills).

#### **Article 13 – Settlement of doubt in favour of an applicant**

If certain grounds specified in the application for international protection are not supported by relevant documents or other evidence, such circumstances shall not require proof where the following circumstances jointly exist:

a) an asylum seeker has used all available means to substantiate his/her request for international protection;

b) an asylum seeker has submitted all information essential for the review of the case, and, in addition, has convincingly explained the lack of other important information;



- c) information submitted by an asylum seeker is consistent, convincing, and it does not contravene available information on the country of origin;
- d) an asylum seeker requested international protection immediately after the origination of such opportunity, unless he/she has submitted reasons for being hindered from making a request for international protection;
- e) the general reliability of the information submitted by an asylum seeker has been established.

### **Chapter III – Grounds for Granting Refugee or Humanitarian Status or the Status of a Person under Temporary Protection and for the Refusal to Grant the Same**

#### **Article 14 – Forms of international protection**

In accordance with this Law, the forms of international protection in Georgia are the following:

- a) refugee status;
- b) humanitarian status;
- c) the status of a person under temporary protection.

#### **Article 15 – Grounds for granting refugee status**

1. Refugee status shall be granted to an alien or a stateless person, who is outside the country of origin, and has a well-grounded fear that he/she may become a victim of persecution on the grounds of his/her race, religion, nationality, affiliation to a certain social group or political views, and who does not wish to, or cannot, return to his/her country of origin or enjoy the right to be protected from such country due to such fear.

2. With regard to the mass entry of people, who meet the conditions defined by paragraph 1 of this article, the Ministry shall make a decision on recognising refugees on the basis of the group principle (*prima facie*), taking into consideration the general situation existing in the country of their origin.

#### **Article 16 – The right to request international protection**

1. The need for international protection may be caused by virtue of a substantial change of circumstances in the country of origin of an alien or a stateless person staying in Georgia, or by virtue of an action which he/she carries out after the leaving of the country of origin.

2. If a person repeatedly applies to the Ministry for international protection, he/she may be refused the status provided for by this Law without violating the 1951 UN Convention Relating to the Status of Refugees, where the risk of persecution regarding such person had arisen due to circumstances which he/she created intentionally and by artificial means after the leaving of the country of origin.

#### **Article 17 – Grounds for refusing to grant refugee status**

- 1. An alien or a stateless person shall not be granted refugee status, if:
  - a) he/she does not comply with the conditions provided for by Article 15(1) of this Law;



- b) there are sufficient grounds to believe that he/she will endanger the state security of Georgia, its territorial integrity or public order;
  - c) he/she has been convicted of committing a grave crime in Georgia by a court judgment having entered into legal force;
2. An alien or a stateless person shall not require refugee status and he/she shall be refused the status, if:
- a) he/she is recognised as a refugee by another country and has no grounded fear of being persecuted in such country in accordance with Article 15 of this Law;
  - b) he/she is a citizen of two or more countries and may enjoy the right to be protected by either country;
  - c) he/she has an alternative of internal displacement;
  - d) he/she does not require legal protection under Article 1(D) of the 1951 UN Convention Relating to the Status of Refugees;
  - e) he/she has been recognised by an authorised agency of another country of residence as a person with such rights and obligations, which are exercised by the citizens of that country, and, consequently, there is no need for him/her to request international protection.

#### **Article 18 – Exclusion from refugee status**

An alien or a stateless person shall not be granted refugee status (shall be excluded from refugee status), even though he/she meets the requirements of Article 15 of this Law, if there are sufficient grounds to believe that:

- a) he/she has committed a crime against peace, a war crime or a crime against humanity, in accordance with the definitions assigned to such actions by international acts created for such purpose;
- b) he/she committed a serious or a grave crime of non-political character outside Georgia before he/she was granted refugee status ;
- c) he/she has been accused of carrying out actions that contravene the aims and principles of the United Nations Organisation.

#### **Article 19 – Grounds for granting humanitarian status**

1. Humanitarian status shall be granted to an alien or a stateless person who does not comply with the conditions for granting refugee status as provided for by Article 15 of this Law where there is a real risk that upon returning to the country of origin he/she will face a serious threat of damage as provided for by Article 32(3) of this Law.
2. Humanitarian status shall be granted to an alien or a stateless person for the term of a year. The term may be extended by the same period on the basis of a decision of the Ministry, and it may be extended more than once if the circumstances on the basis of which the person was granted the status continue to exist.

#### **Article 20 – Grounds for refusing to grant humanitarian status**

An alien or a stateless person shall not be granted humanitarian status, if:

- a) he/she does not comply with the requirements under Article 19(1) of this Law;
- b) one or more of the circumstances provided for by Article 18 of this Law exist regarding him/her;
- c) one or more of the circumstances provided for by Article 17(1)(b) or (c) or Article 17(2) of this Law exist regarding him/her.



## **Article 21 – Grounds and procedures for granting the status of a person under temporary protection**

1. The Ministry shall regulate the mass entry of people and make a decision on granting the status of a person under temporary protection to people entering in mass, who require international protection and cannot return to the country of their origin due to violence, aggression, international or internal armed conflict, or due to mass violation of human rights.
2. An individual administrative and legal act of the Minister shall be issued for the purposes of granting the status provided for by paragraph 1 of this article.
3. The status of a person under temporary protection shall be granted to a person for the term of a year. In the case of the continued existence of the conditions under paragraph 1 of this article, the above term may be extended by the same period on the basis of a decision of the Ministry, and it may be extended more than once where such circumstances continue to exist.
4. After the registration of people entering in mass, an authorised official shall transfer a document to such people, certifying the granting of the status of a person under temporary protection to such people and the legitimacy of their stay in the territory of Georgia.
5. A person under temporary protection shall have the right to apply to the Ministry only with a request to be granted refugee status in the case where there are grounds provided for by Article 15(1) of this Law.
6. After the entry into force of a decision of the Ministry on refusing to grant the status of a person under temporary protection to an alien or a stateless person, or in the case of the appeal of the decision of the Ministry in accordance with the procedures established by the legislation of Georgia, or after a court ruling on refusing to grant the status of a person under temporary protection has entered into force, an alien or a stateless person is obliged to leave Georgia in accordance with the procedure provided for by the Law of Georgia on the Legal Status of Aliens and Stateless Persons, unless there are other grounds for his/her stay in Georgia.

## **Article 22 – Grounds for refusing to grant the status of a person under temporary protection**

A person shall not be granted the status of a person under temporary protection, if:

- a) he/she does not comply with the conditions provided for by Article 21(1) of this Law;
- b) there are sufficient grounds to believe that he/she will endanger the state security of Georgia, its territorial integrity, or public order;
- c) one or more of the circumstances provided for by Article 17(1)(b) or (c), Article 17(2) or Article 18 of this Law exist regarding him/her.

## **Chapter IV – Request for International Protection in Georgia**

### **Article 23 – Request for international protection**

1. Aliens or stateless persons have the right to request international protection at the state border of Georgia at the moment of their entry into Georgia, as well as during their stay in the territory of Georgia.
2. In the case of the illegal entry into or stay in the territory of Georgia of an alien or a stateless person, he/she shall immediately apply to the state agency with a request for international protection. In such case he/she shall be released from criminal liability in accordance with Article 7 of this Law.
3. The state agency shall ensure the translation of information for an alien or a stateless person into a language understandable for him/her, which is required for ensuring the availability of the asylum procedure. The asylum procedure shall be regulated by a normative act of the Minister.





4. The state agency shall draw up a protocol immediately after the receipt of a request for international protection. The original of the protocol shall be sent to the Ministry within three working days, and a copy thereof shall be submitted to an alien or a stateless person, except for the cases provided for by the legislation of Georgia.
5. The state agency which receives a request for international protection shall draw up a protocol and send the alien or stateless person to the Ministry.
6. The placement of an asylum seeker at a reception centre, if required, or his/her relocation to another place, shall be performed in accordance with the procedure established by a normative act of the Minister.

#### **Article 24 – Request for international protection at the Ministry, the Prosecutor’s Office of Georgia, or a penitentiary facility**

1. An alien or a stateless person, who has been arrested for illegally crossing the state border of Georgia, or for the purposes of his/her expulsion from Georgia, or on the basis of the request for extradition, shall have the right to request international protection at the Ministry, the Prosecutor’s Office of Georgia or a penitentiary facility, personally or through an authorised representative.
2. An alien or a stateless person shall have an opportunity to request international protection and inform authorised officials of the Ministry, the Prosecutor’s Office of Georgia, and those of a penitentiary facility, or other custodial institution, in his/her native language or other language understandable for him/her.
3. Authorised officials defined by this article shall submit to an alien or a stateless person information on the opportunity to request international protection and on the asylum procedure.
4. While conducting extradition procedures, or reviewing matters related to the expulsion from Georgia, an alien or a stateless person shall have the right to apply to state agencies as defined by this article with a request to obtain international protection, within 15 calendar days after the officials authorised by the above agencies provide information in a language understandable for him/her on their opportunities to request international protection, in accordance with the procedures established by the legislation of Georgia. If circumstances independent of an alien or a stateless person exist, which obstruct them from requesting international protection within the term defined by this paragraph, such term may be extended for no longer than the term during which such circumstances exist. While conducting extradition procedures, or reviewing matters related to the expulsion from Georgia, authorised officials of state agencies provided for by this article shall immediately provide an alien or a stateless person with information in a language understandable for him/her on their opportunities to request international protection in accordance with the procedures established by the legislation of Georgia.
5. An authorised official of the Prosecutor’s Office of Georgia, or a penitentiary facility shall immediately inform the Ministry on an alien or a stateless person who has requested international protection, and shall send to the Ministry, no later than three working days, an application for international protection.

*Law of Georgia No 961 of 1 June 2017 – website, 20.6.2017*

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

#### **Article 25 – Submission of a request for international protection by a person with special needs**

1. State agencies responsible for the enforcement of this Law shall immediately send to the Ministry a request for international protection submitted by a person with special needs.
2. Upon the receipt of the request for international protection from a person with special needs, the Ministry shall immediately ensure his/her transportation to and placement at an accommodation centre. The accommodation of a minor left without a legal representative shall be performed by taking into account the best interests of the minor.
3. The Ministry shall immediately inform guardianship and custody authorities defined by the legislation of Georgia about a minor left without a legal representative, and where required, shall inform such authorities about persons with disabilities. The above authorities, if required, shall ensure the appointment of a guardian/caregiver/supporter in accordance with the procedures established by the legislation of Georgia.



4. If international protection is requested by a minor left without a legal representative or a person with disabilities, who is in need of a legal representative, he/she shall immediately be registered as an asylum seeker on the basis of a protocol drawn up by an authorised official. An application for international protection shall be submitted after the appointment of a guardian/caregiver/supporter. The term for the review of an application for international protection shall start from the date of registration of the application for international protection.
5. The Ministry shall, by taking into account the best interests of a minor, and where possible, immediately find the family members of a minor left without a legal representative.

## **Chapter V – Procedure for the Review of an Application for International Protection**

### **Article 26 – Main procedural standards**

1. Authorised officials shall study an application for international protection individually, impartially and objectively.
2. An application for international protection shall be reviewed in a general or expedited manner.
3. An application for international protection shall be reviewed in an expedited manner only where:
  - a) it is obviously unsubstantiated;
  - b) the applicant abuses the asylum procedure by way of misleading the Ministry on the basis of false information.
4. An application for international protection shall be deemed obviously unsubstantiated where:
  - a) the information provided therein is not related to the grounds for granting refugee or humanitarian status as provided for by Article 15 and Article 19 of this Law;
  - b) the information provided by an asylum seeker is irrelevant, contradictory to or non-realistic for the establishment of alleged persecution;
  - c) an asylum seeker hides his/her identity and/or information about his/her country of origin;
  - d) an asylum seeker refuses to cooperate with or provide complete information to the Ministry.
5. The grounds for granting refugee or humanitarian status shall be studied by a unified procedure, in a consistent manner, and on the basis of the study and assessment of the grounds for granting refugee status provided for by Article 15 of this Law. If an asylum seeker does not comply with the conditions determined for granting refugee status, the procedure shall continue by the study and assessment of the grounds for granting humanitarian status provided for by Article 19 of this Law.

### **Article 27 – Registration of an application for international protection, issuance of a certificate of an asylum seeker and profiling**

1. An application for international protection shall be prepared in writing, and if required, with the assistance of a relevant translator. An application for international protection submitted to the Ministry shall be immediately registered and a certificate of an asylum seeker shall be issued. An application for international protection shall also contain data on the family members of persons who are minors. The form of a certificate of an asylum seeker, and the procedures for issuing and changing such certificate, shall be defined by a normative act of the Minister.
2. The submission of an application for international protection for a minor left without a legal representative, or a person with disabilities who is in need of a legal representative, shall be the responsibility of a guardian/caregiver/supporter, who shall act in the best interests of the minor or person with disabilities.
3. In the case of the submission of an application for international protection for a minor left without a legal representative, or a person with disabilities who is in need of a legal representative, a certificate of an asylum seeker shall be issued for his/her guardian/caregiver/supporter.



4. The interview for profiling shall be conducted with all adult family members of a person individually, within 10 working days after the submission of an application for international protection. On the day of the submission of an application for international protection, an asylum seeker shall be informed of the date of profiling in writing, in a language understandable for him/her.
5. To ensure the accuracy of the profiling material, the profiling process shall be conducted in writing and by using of an audio recording device. The audio recording of the profiling process shall be kept in the personal file of an asylum seeker. The personal data received on the basis of this paragraph shall be protected in accordance with the procedures provided for by the Law of Georgia on Personal Data Protection.
6. When registering an application for international protection, the rights and obligations provided for by this Law and the asylum procedure shall be explained to an asylum seeker. An asylum seeker shall submit to the Ministry the address of his/her place of residence and other contact information, as well as relevant information in the case of the change thereof. In addition, it shall be explained to an asylum seeker that in the case of non-appearance at the process of profiling or at the interview on two occasions, without a reasonable excuse, the review of his/her application for international protection shall be terminated.
7. After the registration of an application for international protection, the Ministry shall take the fingerprints of an asylum seeker who is more than 14 years of age. The received data shall be kept in the personal file of the asylum seeker, which may be processed on the basis of a written consent of the asylum seeker, in accordance with the Law of Georgia on Personal Data Protection. The taking of the fingerprints of the asylum seeker and the processing of such personal data shall be regulated by a legal act of the Minister.
8. Registration of an application for international protection shall give rise to the rights and obligations of an asylum seeker as provided for by Articles 56 and 57 of this Law.
9. After the profiling of an asylum seeker, the application for international protection shall be reviewed in a general or expedient manner, based on Article 26 (3) and (4) of this Law.
10. Within the term provided for by Article 29(8) of this Law, while reviewing an application for international protection in an expedient manner, all requirements and procedures established for the review of an application for international protection in an ordinary manner shall be applied.
11. If additional circumstances arise while reviewing an application for international protection, due to which the case requires additional study, and the application cannot be reviewed and a decision cannot be made within the term provided for by Article 29(8) of this Law for the review of an application in an expedient manner, the application for international protection shall be reviewed in an ordinary manner within the term provided for by Article 29(1) of this Law for the review of an application for international protection.

## **Article 28 – The burden of proof**

1. An asylum seeker shall submit all information (including information on the country of origin) and proof required for the justification of a request for international protection, and he/she shall cooperate with an authorised official in the process of their assessment. An asylum seeker is also obliged to reliably explain the grounds for failing to submit information and proof, and the reasons for their non-existence.
2. An obligation to ascertain the facts related to a request for international protection shall be equally shared between an asylum seeker and an authorised official. The authorised person shall assess all essential factual circumstances and submitted proof related to a request for international protection individually, objectively and impartially.
3. By asking relevant questions related to the request for international protection, an authorised official shall assist an asylum seeker in submitting essential information (including, information on the country of origin) and proof related to the request for international protection in a complete manner.

## **Article 29 – Terms for the review of an application for international protection**

1. An authorised official shall review an application for international protection in an ordinary manner within six months after its registration. The period may be extended by no more than nine months, if:



a) complicated factual and legal matters are identified;

b) many aliens and/or stateless persons have simultaneously submitted applications for international protection to the Ministry, which complicates the process of the review of applications for international protection within six months.

2. Where relevant justification exists, as an exception, and where required, the term for the review of an application for international protection established by paragraph 1 of this article may be extended for no more than three months for the purpose of reviewing the application for international protection in an adequate and complete manner.

3. The review of an application for international protection may be postponed, if the review of the application for international protection within the term established by paragraphs 1 and 2 of this article is impossible due to a provisional and uncertain situation existing in the country of origin. In such case, the authorised official shall:

a) study the situation existing in the country of origin once in six months;

b) report to an asylum seeker with regard to postponing the review of an application for international protection using technical means as provided for by Article 35(5) of this Law within three working days after the making of a decision on postponing the review of an application for international protection.

4. Taking into account paragraphs 1 to 3 of this article, the term of review of an application for international protection shall not exceed 21 months from the date of submission of the application for international protection.

5. If it is impossible to review an application for international protection within six months as provided for by paragraph 1 of this article, an authorised official shall, within three working days after the making of a decision on the extension of the term of review of an application for international protection, notify an asylum seeker using technical means as provided for by Article 35(5) of this Law, about the extension of the term of review of an application for international protection, as well as the grounds for such extension, and about the term by which the period of review has been extended.

6. An application for international protection submitted by a person who is under the procedure of expulsion shall be reviewed no later than one month after its registration.

7. An application submitted for international protection by a person subject to extradition shall be reviewed by the Ministry no later than one month after the receipt of the extradition documentation.

8. An application for international protection shall be reviewed in an expedient manner within one month after its registration.

## **Article 30 – Review of an application for international protection**

1. An authorised official shall review each application for international protection individually and assess the relevant elements of the application for international protection, including the documentation of an asylum seeker with regard to his/her age and origin, as well as documentation and information related to his/her family members, his/her identity, citizenship(s), country (countries), place(s) of origin, application for international protection, grounds and circumstances for leaving their country of origin, and for the entry into the territory of Georgia.

2. In the case of the obvious justification of the existence of circumstances provided for by Article 15 and Article 19 of this Law, an application for international protection shall be reviewed on a priority basis.

## **Article 31 – Assessment of reasonable fear of persecution or the possibility of inflicting serious damage**

When assessing reasonable fear of persecution or the possibility of inflicting serious damage, an authorised official shall rely on the circumstances which arose in the country of origin of an asylum seeker prior to or after the asylum seeker left the country.

## **Article 32 – Persecution and serious damage**



1. For the purposes of Article 15 of this Law, an action shall be deemed persecution, if:

- a) it is so serious by its nature or has such repeated character that fundamental human rights continue to be violated;
- b) it is one of a unity of various actions, which are so severe that fundamental human rights continue to be violated.

2. The persecution provided for by paragraph 1 of this article may be expressed in the following forms:

- a) an act of physical or psychological violence, including an act of sexual violence;
- b) legal, administrative and/or judiciary acts and measures, which are discriminatory in themselves or are performed in a discriminatory manner;
- c) criminal persecution or punishment, which is disproportionate or discriminatory;
- d) refusal by a court to restore a violated right, which is followed by a disproportionate or discriminatory punishment;
- e) criminal persecution or punishment during a conflict due to the refusal to perform actions provided for by Article 18 of this Law;
- f) an act, which, by its nature, is related to gender identity, sex or a minor.

3. Serious damage shall be:

- a) a death sentence against a person or a threat of his/her punishment by death;
- b) the torture of a person in the country of origin, or his/her degrading or inhumane treatment or punishment;
- c) a serious individual threat to the life of a person due to indiscriminate violence, international or internal armed conflict or mass violation of human rights.

### **Article 33 – Entity(ies) carrying out persecution and inflicting serious damage**

Entity(ies) carrying out persecution and inflicting serious damage may be:

- a) the State;
- b) a group or an organisation, which controls the entire territory of the State or a significant part of the territory;
- c) non-governmental entities, if the entities provided for by sub-paragraphs (a) and (b) of this paragraph, including international organisations, cannot or do not desire to protect a person from persecution or serious damage as provided for by Article 32 of this Law.

### **Article 34 – Entity(ies) performing protection**

1. A person may be protected from persecution or serious damage by:

- a) the State; in addition, the State shall manifest a desire and be able to protect a person from persecution or serious damage efficiently and continuously;
- b) a group or an organisation, which controls the entire territory of the State or a significant part of its territory; in addition, such group or organisation shall manifest a desire and be able to protect a person from persecution or serious damage efficiently and continuously;

2. Protection from persecution or serious damage shall be deemed efficient if the entities carrying out the protection perform relevant actions for preventing and eliminating persecution or serious damage, and an asylum seeker has access to such entities



and actions.

### **Article 35 – Interview with an asylum seeker**

1. An interview with an asylum seeker shall be conducted about matters related to international protection.
2. The aim of the interview is to establish the essential circumstances related to the requirements of international protection, which include information on the grounds for leaving and not returning to the country of origin, as well as other information, on the basis of which the need to apply for international protection may arise.
3. In order to ensure communication with an asylum seeker in his/her mother tongue or in a language understandable for her/him an authorised official shall ensure the process of the interview with an interpretation service.
4. An authorised official shall conduct an interview within four months after the registration of an application for international protection, and in the case provided for by Article 29(8) of this Law, within the term defined by the authorised official.
5. An asylum seeker shall be informed about the interview three working days in advance, in writing, at the address specified in his/her case file. If the address of the asylum seeker is unknown, he/she may be informed about the holding of an interview by telephone or other technical means. If the authorised official informs an asylum seeker about the appointment of an interview by telephone or other technical means, the authorised official shall draw up a relevant communication protocol. The protocol shall be signed by the person who has drawn it up, and in the case of communication by an interpreter, the interpreter shall also sign the protocol.
6. If the review of an application for international protection that has been terminated due to the non-appearance of an asylum seeker or the failure to establish his/her whereabouts within the term of the review of the application for international protection, it shall be resumed if the asylum seeker contacts the Ministry or appears at the Ministry and submits information about reasonable grounds for his/her non-appearance.
7. An interview with an asylum seeker may be attended, if required, by his/her legal representative/guardian/caregiver/supporter, and where an asylum seeker is in a penitentiary facility or other custodial institution, such interview may be attended by his/her lawyer.
8. Where possible, an interview with an asylum seeker shall be conducted by an authorised official of the same gender and he/she shall be ensured with the service of an interpreter of the same gender, unless the asylum seeker requests that the interview to be conducted by an authorised official of a different gender or that the service to be rendered by an interpreter of a different gender.
9. During the term for the review of an application for international protection established by Article 29 of this Law, an asylum seeker shall be granted an opportunity to explain circumstances which the application may lack and/or which may be inconsistent or contradictory, as well as to explain the inconsistencies / contradictions between the facts submitted by him/her and relevant information (including information about the country of origin) received from other sources.
10. In order to ensure the accuracy of the interview material, the interview shall be recorded in writing and by means of an audio recording device. The audio recording of the interview shall be kept in the personal file of an asylum seeker. Personal data received on the basis of this paragraph shall be protected in accordance with the procedures provided for by the Law of Georgia on Personal Data Protection.

### **Article 36 – Assessment of an application for international protection**

1. While assessing an application for international protection an authorised official shall take into account:
  - a) all relevant facts related to the country of origin, including the legislation and other regulations, as well as established practices existing in the country of origin;
  - b) the application for international protection and documentation submitted by an asylum seeker, including information regarding the fact that the asylum seeker is being persecuted or may become a victim of persecution, and that he/she has suffered or may suffer serious damage;



c) the personal data of an asylum seeker;

d) the possibility of being persecuted or seriously harmed if an asylum seeker returns to the country of origin;

e) the possibility of the applicant to enjoy the protection from a country which is not his/her country of origin, and if the applicant is a citizen thereof;

2. The fact that an asylum seeker has become a victim of persecution, or that he/she has suffered serious damage, or he/she has been threatened with persecution or serious damage, shall comprise sufficient grounds to believe that he/she may face persecution or the threat of being harmed, except where there are sufficient grounds for believing that such persecution or serious damage shall not be repeated.

### **Article 37 – Collection and study of relevant information and essential evidence**

1. An authorised official shall take all measures to collect information required for the assessment of an application for international protection and essential evidence available.

2. In the process of the review of an application for international protection and the making of a decision thereon, verbal information or documentary evidence obtained by an authorised official, as well as verbal information or documentary evidence submitted by an asylum seeker, shall be analysed and assessed.

3. An authorised official shall analyse and assess information on the country of origin obtained by him/her.

4. If, after the submission of a decision on international protection, an asylum seeker or his/her legal representative/guardian/caregiver/supporter so requests, an authorised official shall issue information and documents obtained with regard to the review of an application for international protection in accordance with the procedure established by the legislation of Georgia.

### **Article 38 – Review of an application for international protection submitted by a minor left without a legal representative**

1. An application for international protection of a minor left without a legal representative shall be reviewed in accordance with the procedure provided for by this Law, taking into account the best interests of the minor.

2. An interview with a minor left without a legal representative shall be conducted in the presence of his/her legal representative/guardian/caregiver/supporter, and if a minor left without a legal representative is in a penitentiary facility or other custodial institution, the interview shall be conducted in the presence of his/her lawyer. The interview with a minor left without a legal representative shall be conducted by an authorised official who has the skills and qualifications required for an interview with a minor.

3. During the implementation of an asylum procedure, an authorised official shall take into account the age and skills of a minor left without a legal representative (including the level of his/her development, and perception and communication skills).

### **Article 39 – Review of an application for international protection of a victim of torture or inhumane or degrading treatment or violence**

1. An asylum seeker who states that he/she has been a victim of torture or inhumane or degrading treatment or violence, or who shows signs thereof, shall have access to relevant medical and psychological assistance prior to the review of an application for international protection.

2. An application for international protection of a person with special needs provided for by paragraph 1 of this article shall be reviewed on a priority basis.



## **Article 40 – Review of an application for international protection of an asylum seeker with psychological or mental/intellectual impairment**

1. Where there is reasonable suspicion related to the psychological or mental/intellectual impairment of an asylum seeker, the Ministry shall immediately apply to a guardianship or custodianship agency defined by the legislation of Georgia in accordance with the procedures provided for by the legislation of Georgia, depending on the psychological and social needs of the asylum seeker, for the purposes of carrying out an expert assessment and for the appointment of a supporter.
2. The review of an application of an asylum seeker with psychological or mental/intellectual impairment shall be suspended until his/her supporter has been appointed. During this period an asylum seeker shall enjoy the rights defined by this Law with regard to an asylum seeker.
3. The profiling of a person defined by paragraph 1 of this article and the interview with him/her shall be conducted by an authorised official, who has undergone special training, and where required, a specialist in the relevant field shall participate in the process.
4. An interview shall not be conducted if an asylum seeker fails to provide adequate information due to reasons that are beyond his/her control. In such case a decision on international protection shall be made on the basis of other information and documentation obtained in accordance with the procedures provided for by this Law.

## **Article 41 – Withdrawal of an application for international protection**

1. An application for international protection may be withdrawn on the basis of a written application of an asylum seeker or his/her legal representative/guardian/caregiver/supporter, prior to making a final decision on granting international protection.
2. An authorised official shall notify an asylum seeker in a language understandable for him/her, about the legal consequences of the withdrawal of an application for international protection, on which a relevant protocol shall be drawn up. The protocol shall be signed by an authorised official of the Ministry and an asylum seeker or his/her legal representative/guardian/caregiver/supporter.
3. Based on the withdrawal of an application for international protection, an authorised official shall make a decision on the termination of the review of the application on the seventh working day after an asylum seeker signs the relevant protocol. Such decision shall be sent to an asylum seeker or his/her legal representative/guardian/ caregiver/supporter in writing (in Georgian or translated into a language understandable for him/her) within three working days, specifying the procedures for appealing the decision.
4. After making a decision on the termination of the review of an application for international protection based on the withdrawal of the application, an asylum seeker shall submit to the Ministry a temporary identity card and leave Georgia within the term defined by the legislation of Georgia, unless there are other legal grounds for his/her stay in Georgia.
5. After the withdrawal of an application for international protection, an asylum seeker has the right to apply to the Ministry repeatedly with a request for international protection only where new circumstances related to his/her case have arisen, and he/she became aware of such circumstances after the withdrawal of the application for international protection. The Ministry shall ensure that he/she receive a fair and efficient asylum procedure. In the case of a renewed application for international protection, an asylum seeker shall specify appropriate grounds for withdrawing the application for international protection and for submitting a renewed application.

## **Article 42 – Suspension, termination and resumption of the review of an application for international protection**

1. An authorised official shall suspend the review of an application for international protection, if there is a failure to contact an asylum seeker in accordance with the procedures provided for by Article 35(5) of this Law and if he/she has not crossed the state border of Georgia. In such case the review of an application for international protection shall be suspended for six months.
2. An authorised official shall make a decision on the suspension of the review of an application for international protection, if an asylum seeker:
  - a) withdraws an application for international protection in accordance with Article 41 of this Law;





- b) refuses to cooperate with the Ministry;
- c) fails to appear on two occasions at the profiling process and the interview without reasonable grounds and by ignoring the notification ;
- d) leaves Georgia, changes the place of residence and fails to notify the Ministry thereof within three months;
- e) refuses to give fingerprints;
- f) passes away;
- g) fails to appear at the Ministry in the cases defined by paragraph 1 of this article and prior to the expiry of the established term.

3. In the case provided for by Article 42(2)(e), the review of an application for international protection of an asylum seeker with psychological or mental/intellectual impairment shall not be suspended.

4. After the termination or suspension of the review of an application for international protection, an asylum seeker who appears at the Ministry shall be given an opportunity to explain the grounds for his/her non-appearance, and in the case of specifying a reasonable excuse, he/she may be given an opportunity to resume the review of the application.

### **Article 43 – A decision on granting or refusing to grant refugee or humanitarian status**

1. An authorised official shall provide in writing the grounds for granting or refusing to grant refugee or humanitarian status.
2. A well-grounded decision on granting or refusing to grant refugee or humanitarian status shall be sent to an asylum seeker (in Georgian or translated into a language understandable for him/her) within three working days, specifying information on the procedures for appealing the decision and the possibility to receive free legal assistance as provided for by the Law of Georgia on Legal Assistance.
3. Where a decision of the Ministry on granting or refusing to grant refugee or humanitarian status to an asylum seeker is not served on an asylum seeker due to his/her fault, such decision shall be deemed served from the date when the Ministry receives notification of non-service.
4. If an application for international protection of family members is based on the same grounds, a decision made on international protection shall apply to all family members of an applicant.
5. A decision on granting or refusing to grant refugee or humanitarian status to an asylum seeker shall be based on the substantial factual circumstances of the case and on relevant evidence.
6. If an asylum seeker has been refused refugee or humanitarian status or if his/her humanitarian status has been terminated, cancelled or withdrawn, and in addition, where it is impossible to exile him/her to the country of origin in accordance with Article 60 of the Law of Georgia on Legal Status of Aliens and Stateless Persons, he/she may be granted the right to stay in Georgia temporarily.
7. (Deleted – 5.7.2018, No 3099).
8. After the entry into force of a decision of the Ministry on refusing to grant refugee or humanitarian status to an asylum seeker, or where, after appealing such decision in accordance with the procedures established by the legislation of Georgia, a relevant court judgment enters into force on refusing to grant refugee or humanitarian status, an alien or a stateless person is obliged to leave Georgia in accordance with the procedures provided for by the Law of Georgia on the Legal Status of Aliens and Stateless Persons, unless there are other legal grounds for his/her stay in Georgia.

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

### **Article 44 – A decision on refusing to extend humanitarian status**



An authorised official shall make a decision on the extension of humanitarian status based on the relevant materials of the case, taking into account the circumstances existing at the moment of making such decision.

## **Article 45 – Renewed application for international protection and procedural guarantees**

1. If the humanitarian or refugee status of an alien or a stateless person is terminated, revoked or withdrawn, or if the asylum procedure is completed in Georgia, he/she shall have the right to submit a renewed application for international protection, if:

a) such changes have taken place in his/her country of origin that give rise to the need for his/her international protection;

b) there are new factual circumstances, which were not reviewed in the process of assessing the circumstances specified in the previous application for international protection, and where the failure to specify such circumstances was not the applicant's fault.

2. An authorised official shall examine the renewed application for international protection in advance, and study and assess the submitted explanations and new circumstances, in order not to violate the principle of non-expulsion and fundamental human rights recognised by international legislation when returning a person to the country of origin or the country of permanent residence.

3. Where new circumstances arise, an authorised official shall start the procedure of granting refugee status or humanitarian status provided for by this Law.

4. An authorised official shall review, assess and make a decision on a renewed application for international protection on a priority basis.

5. If as a result of the review of a renewed application for international protection it is established that the request for international protection does not contain circumstances provided for by paragraph 1 of this article, a decision on the refusal to review a renewed application for international protection shall be made without a renewed review of the case.

## **Article 46 – Reunion of a family**

1. For the commencement of a procedure for the reunion of a family, an internationally protected person shall apply to the Ministry in writing.

2. After the granting of the relevant status of international protection to a minor left without a legal representative in accordance with the procedure provided for by this Law, an authorised official shall immediately start the procedure for the reunion of a family on the basis of a consent from a guardian/caregiver/supporter of the minor and from the minor. An authorised official shall ensure the reunion of a minor with other family members by taking into account his/her best interests.

3. An internationally protected person shall attach to an application for the reunion of a family all possible evidence confirming the kinship relationship, if any.

4. In order to determine a family relationship, an authorised official shall, within one month, review an application for the reunion of a family on an individual basis, together with the attached evidence, if any.

5. The authorised official, where necessary, shall search for the family members of an internationally protected person through the International Committee of the Red Cross.

6. In the case of the establishment of a family relationship, the authorised official shall apply, if necessary, to the Ministry of Foreign Affairs of Georgia with regard to searching for family members of an internationally protected person and to issuing a Georgian visa for them.

7. Taking into account the principle of the integrity of a family, the family members of an internationally protected person shall be granted the same form of protection as a person with international protection.

8. An internationally protected person may be refused family reunion if there exist any of the circumstances provided for by Article 17(1)(b) or Article 18 of this Law with regard to a family member.



## **Article 47 – Appealing the decision**

1. Any decision made by the Ministry on the basis of this Law may be appealed to a court in accordance with the legislation of Georgia within a month after the issuance of the decision.
2. Prior to the entry into force of a court judgment, an asylum seeker shall enjoy the rights and guarantees defined by this Law.

## **Article 48 – Submission of an application for refugee status by a person under temporary protection**

Taking into account the procedures provided for by Article 21(5) of this Law, a person under temporary protection shall have the right to submit an individual application for refugee status only. During the period of the review of the application, he/she shall enjoy the rights of an asylum seeker provided for by this Law and perform the obligations provided for by the same.

## **Article 49 – Legal guarantees of a minor left without a legal representative under temporary protection**

A minor left without a legal representative under temporary protection shall:

- a) be immediately identified and registered and be assigned a guardian/caregiver/supporter in accordance with the procedures established by the legislation of Georgia;
- b) be accommodated in accordance with the procedures provided for by Article 25(2) of this Law, taking into account the best interests of the minor, and also be assisted in the process of searching for his/her parents and relatives.

## **Chapter VI – Termination, Revocation or Withdrawal of Refugee and Humanitarian Status, or the Status of a Person under Temporary Protection**

### **Article 50 – Grounds for termination of refugee status**

1. The refugee status of a person may be terminated, if:
  - a) he/she has been granted citizenship of Georgia;
  - b) he/she has voluntarily enjoyed protection by his/her country of origin;
  - c) he/she has voluntarily regained citizenship of his/her country of origin after its losing;
  - d) he/she has acquired citizenship of another country and enjoys protection from that country;
  - e) he/she has voluntarily settled in the country which he/she had left, or out of which he/she had stayed due to fear of being persecuted;
  - f) he/she cannot be refused protection from his/her country of origin, due to the non-existence of circumstances on the basis of which he/she has been granted refugee status;
  - g) he/she applies to the Ministry with an application to terminate refugee status;
  - h) he/she cannot be contacted in accordance with the procedure provided for by Article 35(5) of this Law, or, he/she has crossed the state border of Georgia;
  - i) he/she has passed away.



2. Article 50(1)(f) shall not apply to a person with refugee status, if, by taking into account the previous persecution, he/she is able to submit reasonable grounds as to why he/she does not enjoy protection from the country of origin.
3. In the case provided for by Article 50(1)(h), refugee status shall be terminated a year after the expiry of the term of a residence card.
4. The termination of refugee status granted to a person shall be grounds for the revocation of a residence card and a refugee travel document issued for such person.

#### **Article 51 – Grounds for termination of humanitarian status or the status of a person under temporary protection**

1. Humanitarian status or the status of a person under temporary protection shall be terminated, if:
  - a) he/she has been granted citizenship of Georgia;
  - b) he/she has acquired the citizenship of another country and enjoys protection from that country;
  - c) he/she has voluntarily settled in the country which he/she had left or out of which he/she had stayed due to serious damage;
  - d) he/she cannot be refused protection from his/her country of origin due to the non-existence of circumstances on the basis of which he/she has been granted humanitarian status or the status of a person under temporary protection ;
  - e) he/she has been granted refugee status;
  - f) he/she applies to the Ministry with an application to terminate their humanitarian status or the status of a person under temporary protection;
  - g) he/she cannot be contacted under the procedures provided for by Article 35(5) of this Law, or, he/she has crossed the state border of Georgia;
  - h) he/she has passed away.

2. Article 51(1)(d) of this Law shall not apply to a person with humanitarian status, if, by taking into account the previous persecution, he/she is able to submit reasonable grounds as to why he/she does not enjoy protection from the country of origin.
3. In the case provided for by Article 51(1)(g), humanitarian status or the status of a person under temporary protection shall be terminated after six months of the expiry of the residence card.
4. The termination of humanitarian status or the status of a person under temporary protection shall be the basis for the revocation of a residence card and a travel passport of a person under humanitarian status, and of a residence card issued for a person under temporary protection.

#### **Article 52 – Basis for terminating or revoking status granted to an internationally protected person**

1. The status granted to an internationally protected person shall be terminated if it is revealed that he/she has failed to meet the requirements under Articles 15, 19 and 21 of this Law, or that he/she has submitted wrong information or false documents, in particular:
  - a) a person has incorrectly specified or concealed essential factual circumstances ;
  - b) new evidence has been identified, which indicates that international protection should not have been granted to a person;
  - c) he/she was recognised by another country of residence to have such rights and obligations as the citizens of that country enjoy, and consequently there was no need for international protection;
  - d) he/she did not require international protection or there were sufficient grounds to believe that he/she performed an action



provided for by Article 18 of this Law.

2. The granted status shall be withdrawn from an internationally protected person if he/she is prosecuted in Georgia for committing a serious or grave crime after receiving international protection, or poses a threat to the public, or there are sufficient grounds to believe that he/she may threaten the state security of Georgia, its territorial integrity, or public order.
3. The termination or revocation of status granted to an internationally protected person shall be grounds for the revocation of a residence card, and a refugee travel document/travel passport issued to such person.

### **Article 53 – The procedure for terminating, revoking or withdrawing the status granted to an internationally protected person**

1. The Ministry shall initiate the procedure for terminating, revoking or withdrawing the status granted to an internationally protected person.
2. An authorised official shall notify an internationally protected person, in a language understandable for him/her, about the termination, revocation or withdrawal of the status.
3. An authorised official shall ensure the conduct of an individual interview with each internationally protected adult within a month after the commencement of the procedure for the termination, revocation or withdrawal of the status granted to him/her in order to provide him/her with an opportunity to submit information and explanations with regard to the circumstances, based on which the procedure for terminating, revoking or withdrawing of a status granted to him/her has started, as well as other information, which justifies the need for the extension of the status for such person.
4. If an internationally protected person cannot be contacted as provided for by Article 35(5) of this Law, or if such person failed to show up for the interview, the termination, revocation and withdrawal of a status granted to him/her shall be performed on the basis of available information.
5. If an internationally protected person fails to appear at an interview and if he/she contacts the Ministry, appears at the Ministry and submits relevant explanations with regard to the grounds for his/her non-appearance, as a result of their examination, an authorised official shall make a decision on the announcement of the decision made under Article 53(4) as invalid and on renewing an appointment for interview.
6. If possible, an internationally protected person shall be interviewed by an authorised official of the same gender and shall be provided with the services of an interpreter of the same gender.
7. If required, an interview with an internationally protected person shall be conducted in the presence of his/her legal representative/lawyer/guardian/supporter.
8. In order to ensure the accuracy of the interview material, the interview shall be made in writing and shall be recorded by means of an audio recording device. An authorised official shall store the interview material in the personal file of an internationally protected person. Personal data received on the basis of this paragraph shall be protected in accordance with the procedures provided for by the Law of Georgia on Personal Data Protection.
9. During the interview with regard to terminating, revoking or withdrawing the status granted to an internationally protected person, an authorised official shall assess information obtained by him/her which justifies the lawfulness of terminating, revoking or withdrawing a status, as well as information and evidence submitted by the internationally protected person.
10. Prior to the end of the procedure for terminating, revoking or withdrawing the status of an internationally protected person, such person shall have all the rights and obligations related to such status.

### **Article 54 – Decision on terminating, revoking or withdrawing status granted to an internationally protected person**

1. An authorised official shall notify in writing an internationally protected person about terminating, revoking or withdrawing the status granted to him/her (in Georgian or translated into language understandable for her/him) within three working days, specifying information on the procedures for appealing the decision as provided for by the legislation of Georgia, and on the opportunities for free legal assistance as provided for by the Law of Georgia on Legal Assistance.



2. After the entry into force of a decision of the Ministry on terminating, revoking or withdrawing the status granted to an internationally protected person, or, where such decision is appealed in accordance with the procedure provided for by the legislation of Georgia, and after a court judgment with regard to terminating, revoking or withdrawing a status enters into force, he/she and his/her family members are obliged to leave Georgia in accordance with the procedure provided for by the Law of Georgia on the Legal Status of Aliens and Stateless Persons, unless there are other legal grounds for their further stay in Georgia.

3. In the case of the failure to perform the duties provided for by Article 54(2), matters related to the expulsion of an alien or a stateless person from Georgia shall be regulated in accordance with the Law of Georgia on Aliens or Stateless Persons.

## **Article 55 – Termination, revocation or withdrawal of a derived status**

1. The termination, revocation or withdrawal of the status granted to an internationally protected person shall cause the termination, revocation or withdrawal of the derived status of a family member(s) of such person, except where a family member(s) meets the grounds for being granted the status as provided for by Article 15 or Article 19 of this Law. The termination, revocation or withdrawal of the status of a family member(s) shall be reviewed by the authorised official individually, in accordance with the procedure provided for by a normative act of the Minister.

2. An authorised official shall notify persons defined by paragraph 1 of this article with regard to the termination, revocation or withdrawal of the derived status, meanwhile the authorised official shall notify such persons that the decision will not affect their rights to request international protection in accordance with the procedures established by this Law.

## **Chapter VII – Rights and Obligations of Asylum Seekers, Refugee or Humanitarian Status Holders, and Persons under Temporary Protection**

### **Article 56 – Rights of an asylum seeker**

An asylum seeker shall have the following rights:

- a) not to be extradited or expelled from Georgia, until the Ministry makes a decision or a court judgment enters into force with regard to granting international protection to him/her;
- b) to receive information on his/her rights and obligations and on the asylum procedure;
- c) to be interviewed by an authorised official of the same gender and use the services of an interpreter of the same gender ;
- d) to be entitled to the services of an interpreter free of charge during the implementation of the asylum procedure;
- e) to be entitled to free legal assistance in accordance with the Law of Georgia on Legal Assistance during the litigation procedure related to granting international protection;
- f) to stay in a reception centre over the period of the review of an application for international protection, except where he/she stays in a penitentiary facility, a temporary detention cell of the Ministry, or the temporary accommodation centre of the Ministry, or the temporary detention cell of the Ministry of the State Security Service of Georgia;
- g) to receive a certificate of an asylum seeker and, based on the certificate, a temporary identity card within the period of the review of an application for international protection. A temporary identity card shall not be issued where an asylum seeker stays in a penitentiary facility or in a temporary accommodation centre of the Ministry;
- h) to be provided, in the case of a request for international protection, with social, economic and day-to-day living conditions in accordance with the legislation of Georgia;
- i) to enjoy the right to acquire pre-school and secondary education and professional and higher education in the same manner as the citizens of Georgia, in accordance with the procedures provided for by the legislation of Georgia;
- j) to be entitled to state healthcare programmes in the same manner as the citizens of Georgia, except for exceptional cases



provided for by the legislation of Georgia;

k) to withdraw an application for international protection on a voluntary basis;

l) to be released from the payment of court fees during the litigation proceedings related to being granted international protection ;

m) to enjoy the right to be employed as provided for by the legislation of Georgia, in particular to be employed independently or with the help of another employer;

n) to enjoy the right to address administrative bodies and courts in accordance with the procedure provided for by the legislation of Georgia;

o) to be informed of the opportunity to contact the UN High Commissioner for Refugees (the UNHCR);

p) to enjoy the rights granted to an alien and a stateless person in accordance with the legislation of Georgia, unless otherwise provided for by this law.

*Law of Georgia No 484 of 22 March 2017 – website, 27.3.2017*

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

## **Article 57 – Duties of an asylum seeker**

An asylum seeker shall:

a) comply with the Constitution of Georgia, this Law and other legislative and subordinate normative acts of Georgia, and respect local culture, traditions and customs;

b) not leave Georgia during the review of an application for international protection, except where his/her departure from Georgia is related to the vital interests of a person, and provided that the asylum seeker informs the Ministry in writing of the terms and the grounds for leaving Georgia;

c) justify circumstances specified in an application for international protection, and submit all available documents and relevant evidence, in particular information on his/her identity, citizenship, previous country (countries) or place(s) of residence, transit route(s), identification documentation, including travel documents, and on other reasons for which he/she is applying for international protection;

d) state the truth and cooperate with the Ministry in order to fully establish all the circumstances specified in an application for international protection;

e) explain the lack of substantiation of circumstances specified in an application for international protection, and the non-submission or the absence of documents and evidence provided for by Article 57(c) of this Law;

f) submit to an authorised official identification documents, including travel documents and all other relevant documents which are in his/her possession;

g) submit a travel document, if any, to an authorised official upon the receipt of a certificate of asylum seeker. The document shall be returned to him/her after the Ministry makes a decision on the termination of the review of an application for international protection based on the request to renew an application for international protection on the basis of a personal application, or after the Ministry makes a decision on the refusal to grant refugee or humanitarian status, or where the asylum seeker appeals the decision of the Ministry as provided for by the legislation of Georgia, and a court judgment on refusing to grant refugee or humanitarian status has entered into force;

h) inform the authorised official during the profiling process of the address of factual place of residence, and within 10 calendar days, of any change of address of the place of actual residence, or legal or civil status, or of losing or damaging the identity document issued by the relevant state body responsible for the enforcement of this Law;

i) have their photograph and fingerprints taken and undergo a relevant medical examination, if so requested by an authorised official;



j) comply with the internal procedures of a reception centre in the case of his/her placement at the centre;

k) leave Georgia in accordance with the procedures provided for by the Law of Georgia on the Legal Status of Aliens and Stateless Persons after the expiry of the term for appealing a decision on refusing to grant refugee or humanitarian status or the status of a person under temporary protection, or after the entry into force of a court judgment on refusing to grant international protection, unless there are other legal grounds for his/her further stay in Georgia.

## **Article 58 – Rights of persons with refugee or humanitarian status**

1. Persons with refugee or humanitarian status shall have the right to:

a) be informed of the form of international protection and rights and obligations based on the status that has been granted;

b) receive a temporary residence card and a certificate on granting refugee or humanitarian status;

c) choose a place of residence and freely move throughout the territory of Georgia, except for the special cases envisaged by the needs of the state security of Georgia, public order and public health;

d) register civil acts in accordance with the procedures provided for by the legislation of Georgia;

e) stay in a reception centre for a month after being granted refugee or humanitarian status, and in special cases, in other temporary places of accommodation provided by the Ministry;

f) enjoy the right of the protection of personal data in accordance with the Law of Georgia on Personal Data Protection;

g) receive a monthly allowance as defined by the legislation of Georgia;

h) apply to the Legal Entity under Public Law called the Public Service Development under the Ministry of Justice of Georgia to receive the citizenship of Georgia through naturalization in accordance with the Organic Law of Georgia on Georgian Citizenship;

i) travel to other countries, except for the country of origin, and countries where it is deemed unsafe for him/her or members of his/her family;

j) enjoy the right to acquire pre-school and general education in the same manner as citizens of Georgia, and enjoy the right to obtain professional and higher education in accordance with the procedures provided for by the legislation of Georgia, and in addition enjoy the procedures for recognising documents certifying education and qualifications received in another country in accordance with the procedures provided for by the legislation of Georgia;

k) enjoy state healthcare and social programmes in the same manner as citizens of Georgia, except for special cases provided for by the legislation of Georgia;

l) enjoy the right to be employed in the same manner as citizens of Georgia, in particular the right to be employed independently or with the assistance of another employer;

m) enjoy the right of family reunion;

n) enjoy the right to address administrative bodies and courts in accordance with the procedures established by the legislation of Georgia;

o) enjoy the rights granted to aliens or stateless persons as provided for by the legislation of Georgia, unless otherwise defined by this Law.

2. Based on the application of the Ministry, a person with refugee status shall be issued a temporary residence card for the term of three years and a travel document for refugees as provided for by Article 27 and Article 28 of the UN 1951 Convention Relating to the Status of Refugees.

3. Based on the application of the Ministry, a temporary residence card with the appropriate status term and a travel passport shall be issued for a person holding humanitarian status.





4. The form and the procedures for the issuance of a refugee travel document and travel passport shall be established by the Minister of Justice of Georgia.

#### **Article 59 – Obligations of persons holding refugee or humanitarian status**

Persons holding refugee or humanitarian status shall:

- a) comply with the Constitution of Georgia, this Law and other legislative and subordinate normative acts of Georgia, and respect local culture, traditions and customs;
- b) notify the Ministry of a change of address of factual place of residence and/or other contact information;
- c) contact an authorised official 30 calendar days prior to the expiry of the term of the residence card, and in the case of losing or damaging the residence card, immediately contact the authorised official.

#### **Article 60 – Social and economic guarantees of persons holding refugee or humanitarian status**

1. Matters related to the social and economic guarantees of persons holding refugee or humanitarian status shall be regulated with the participation of state agencies responsible for the enforcement of this Law, in accordance with the legislation of Georgia. The Ministry shall coordinate the activities of state agencies responsible for the enforcement of this Law in the field of the assistance of persons holding refugee or humanitarian status.

2. The issuance of monthly allowance provided for by Article 58(1)(g) of this Law shall be suspended for persons holding refugee or humanitarian status, who:

- a) leave Georgia for a period of more than one month;
- b) are in a penitentiary facility based on a valid court judgment;
- c) refuse to take the monthly allowance on the basis of a personal application.

3. The monthly allowance suspended on the basis of paragraph 2 of this article shall be restored where the grounds for suspension are rectified, on the first day of the month following the submission of a personal application by a person holding refugee or humanitarian status.

#### **Article 61 – Rights of persons under temporary protection**

Persons under temporary protection shall have the right to:

- a) be informed of the form of international protection granted by this Law and of the rights and obligations attaching to the status that has been granted;
- b) receive a certificate of a person holding a status of a person under temporary protection and a temporary residence card with the period of validity granted to persons holding such status;
- c) receive medical assistance in accordance with the procedures and in the cases provided for by the legislation of Georgia;
- d) be entitled to acquire pre-school and general education, and to the procedures for recognising documents certifying education and qualifications received in another country in accordance with the procedures provided for by the legislation of Georgia;
- e) enjoy the right to address administrative bodies and courts in accordance with the procedures established by the legislation of Georgia;



f) enjoy the rights granted to aliens or stateless persons as provided for by the legislation of Georgia, unless otherwise defined by this Law;

g) be provided with food and shelter or appropriate monetary assistance in accordance with the procedure provided for by an order of the Minister.

## **Article 62 – Obligations of persons under temporary protection**

Persons under temporary protection shall:

a) comply with the Constitution of Georgia, this Law and other legislative and subordinate normative acts of Georgia, and respect local culture, traditions and customs;

b) notify the Ministry of any change of address of factual place of residence and/or other contact information;

c) cooperate with an authorised official;

d) have their photograph and fingerprints taken and undergo a relevant medical examination if so requested by an authorised official;

e) contact an authorised official 30 calendar days prior to the expiry of the term of the residence card, and in the case of losing or damaging it, immediately contact the authorised official.

## **Article 63 – Reimbursement of expenses related to activities for ensuring international protection**

The expenses related to the activities for ensuring international protection provided for by this Law shall be reimbursed by state agencies responsible for the enforcement of this Law within the budget allocations.

## **Chapter VIII – Long-term Resolution of Matters Related to Internationally Protected Persons**

### **Article 64 Repatriation of internationally protected persons**

In order to repatriate an internationally protected person the Ministry shall comply with the following terms:

a) repatriation shall be voluntary and it shall be carried out by state agencies responsible for the enforcement of this Law;

b) the will of an internationally protected person with regard to repatriation shall be expressed in writing;

c) an internationally protected person shall obtain available information on the situation in the country of his/her origin and on the possible consequences of his/her returning to the country.

### **Article 65 – Local integration of internationally protected persons**

The Ministry shall work out programmes for the local integration of internationally protected persons, together with the state agencies responsible for the enforcement of this Law, and shall facilitate their participation in such programmes.

## **Chapter IX – Terms for the Storage of Personal Data**



## **Article 66 – Terms for the storage of personal data**

Personal data processed on the basis of this Law shall be destroyed as provided for by the legislation of Georgia, from the entry into force of a decision of the Ministry on the refusal to grant refugee or humanitarian status to an asylum seeker, as well as on granting the status of a person under the temporary protection to an alien or a stateless person, or from the entry into force of a decision of the Ministry on the termination, revocation or withdrawal of refugee and humanitarian status, or the status of a person under temporary protection, or in the case of appealing the decision of the Ministry as provided for by the legislation of Georgia, after the expiry of the term of an appropriate subordinate act that has been adopted after the entry into force of a court decision on refusing to grant refugee or humanitarian status .

## **Chapter X – Authorities and Duties of Administrative Bodies in International Cooperation**

### **Article 67 – The Ministry**

1. The Ministry shall ensure the exercise of authority with regard to international protection provided for by this Law.
2. In order to exercise the authority granted by this Law, the Ministry shall:
  - a) identify an asylum seeker and when determining the relevant status, verify the given facts, and where necessary verify matters related to a potential threat to social order and public law and order created by asylum seekers and persons holding refugee or humanitarian status who have illegally entered the territory of Georgia
  - b) apply, if required, to the State Security Service of Georgia to receive recommendations on matters related to a potential threat to the state security of Georgia created by asylum seekers and persons holding refugee or humanitarian status, who have illegally entered the territory of Georgia;
  - c) verify the documents of an asylum seeker at border check points;
  - d) explain to an alien or a stateless person, in the language understandable for him/her, the right to request international protection under this Law and the obligations related thereto, as well as procedures for asylum where the person concerned requests asylum at a border check point;
  - e) in the case of a request for international protection by an alien or a stateless person, ensure his / her admission to the state border of Georgia and his/her non-expulsion in compliance with the principle of non-expulsion provided for by Article 8 of this Law;
  - f) hold initial interview with an alien or a stateless person in the case of the request for international protection;
  - g) receive an application for international protection in the case of the request for international protection by an alien or a stateless person, regardless of whether that person has a travel document or an identity document. If he/she does not have a travel document or other identification document, an application for international protection shall be made on the basis of information provided by an alien or a stateless person;
  - h) in accordance with the legislation of Georgia, review the matter related to the expulsion from Georgia of the person, who, in accordance with the procedures for asylum under this Law, has not been granted one of the statuses, or who has been refused to be granted the same based on a valid court judgment, or with regard to whom the granted status has been terminated, revoked or withdrawn;
  - i) inform the Public Service Development Agency with regard to a decision on refusing to grant one of the statuses defined by this Law that has been made by the Ministry in relation to the case of an asylum seeker in accordance with the procedures provided for by this Law, or with regard to a valid court judgment based on which the request of an asylum seeker to be granted international protection has not been granted;
  - j) apply, where necessary, to the State Security Service of Georgia for assistance in identifying an asylum seeker, if the Ministry itself is unable to identify the person.



k) send lists of asylum seekers and internationally protected persons to the Public Service Development Agency with the aim of issuing temporary identity cards and residence cards for such persons. The Ministry shall also inform the Agency on refusing to grant the status provided for by this Law to asylum seekers, and on terminating, revoking or withdrawing the status granted to internationally protected persons, with the aim of annulling a temporary identity card, a temporary residence card, and the travel document/travel passport of a refugee issued for such persons;

l) cooperate with state agencies responsible for the enforcement of this Law and international organisations, including with the UNHCR Representation in Georgia, when ensuring the realisation of the rights of asylum seekers and internationally protected persons;

m) submit information on asylum seekers and internationally protected persons to the UNHCR Representation in Georgia ;

n) administer the database;

o) reimburse the expenses of a medical examination of an asylum seeker and a person under temporary protection on the basis of a request of an authorised official;

p) exercise other authority as provided for by this Law.

3. The Minister shall be authorised to issue relevant normative acts in accordance with the procedures established by the legislation of Georgia, in relation to the matters falling within the scope of authority of the Ministry.

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

## **Article 68 – (Deleted)**

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

## **Article 69 – The State Security Service of Georgia**

1. The State Security Service of Georgia shall, within the scope of its authority, and on the basis of an application from the Ministry, identify asylum seekers, and, while determining their relevant status, shall check the facts submitted by such persons, and shall also provide recommendations to the Ministry on matters related to a potential threat to the state security of Georgia created by asylum-seekers or internationally protected persons.

2. A potential threat to the state security of Georgia provided for by paragraph 1 of this article involves such cases where there are sufficient grounds to believe that an asylum seeker or an internationally protected person has connections with:

a) the armed forces of a country and/or an organisation which has a hostile attitude towards the defence and security of Georgia;

b) the intelligence services of other countries;

c) terrorist and/or extremist organisations;

d) other criminal organisation (including, transnational criminal organisations) and/or connections with the illegal circulation of armaments, and/or weapons of mass destruction, or their components.

3. Information on the circumstances provided for by paragraphs 1 and 2 of this article shall be submitted to the Ministry in a way that does not abuse the interests of the protection of state secrets, and/or the state security of Georgia, and/or public security.

## **Article 70 – Public Services Development Agency**

The Public Services Development Agency shall:



- a) issue a temporary identity card to an asylum seeker on the basis of a certificate of an asylum seeker issued by the Ministry, and a temporary residence card to an internationally protected person, as provided for by the legislation of Georgia;
- b) issue a travel document and/or a travel passport of a refugee to an internationally protected person as provided for by the legislation of Georgia;
- c) ensure the registration of civil acts and issue relevant certificates on the basis of applications from asylum seekers or internationally protected persons, as provided for by the legislation of Georgia.

## **Article 71 – Prosecutor’s Office of Georgia**

- 1. While performing the extradition procedures the Prosecutor’s Office of Georgia shall explain to the person subject to extradition, in a language understandable for him/her, and in writing, his/her rights to request international protection as provided for by the legislation of Georgia.
- 2. The Prosecutor’s Office of Georgia shall immediately forward to the Ministry an application for international protection of a person who is under the procedure of extradition.
- 3. The Prosecutor’s Office of Georgia shall submit to the Ministry the extradition documents provided for by paragraph 2 of this article.

## **Article 72 – The state sub-agency called the Special Penitentiary Service within the system of the Ministry of Justice of Georgia**

The state sub-agency called the Special Penitentiary Service within the system of the Ministry of Justice of Georgia shall:

- a) identify a request for international protection if such request for international protection is made by an alien or stateless person, and explain to them in writing, in a language understandable for them, the right to request international protection as provided for by the legislation of Georgia, and immediately send the relevant documents to the Ministry;
- b) inform the Ministry, no later than two weeks prior to the expiry of the term of serving a sentence by a person, and in the case of releasing a person on other grounds, no later than three working days after such release, of the date of release of an asylum seeker or an internationally protected person kept in a penitentiary facility of the state sub-agency called the Special Penitentiary Service within the system of the Ministry of Justice of Georgia;
- c) ensure the meeting of an authorised official (officials) with an asylum seeker or an internationally protected person, as provided for by the legislation of Georgia, at the place of detention or at a penitentiary facility;
- d) ensure the sending of copies of documents of an asylum seeker, including the copies of travel documents, if any, to the authorised official (officials) in the case of a relevant request, as provided for by the legislation of Georgia;
- e) provide to the Ministry information, including dactyloscopic data, on an asylum seeker or an internationally protected person kept in a penitentiary facility of the state sub-agency called the Special Penitentiary Service within the system of the Ministry of Justice of Georgia.

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

## **Article 73 – Ministry of Foreign Affairs of Georgia**

The Ministry of Foreign Affairs of Georgia shall:

- a) provide information to the Ministry, on the basis of an application submitted by it, which is required for making an appropriate decision with regard to international protection, taking into account Article 5 of this Law;
- b) assist the Ministry, on the basis of an application submitted by it, and in accordance with Article 46 of this Law, in the



integration of the family of an internationally protected person, and also issue a Georgian visa, as provided for by the legislation of Georgia, to the family members of an internationally protected person who wish to travel to Georgia;

c) facilitate the voluntary repatriation of persons holding refugee or humanitarian status, on the basis of an application submitted by it, within the scope of its authority, and with the assistance of diplomatic representations and consular institutions.

#### **Article 74 – Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia**

The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall:

a) ensure the exercise by asylum seekers or internationally protected persons of the rights provided for by Article 56(j), Article 58(1)(k) and Article 61(c) of this Law;

b) provide a guardian/caregiver/supporter to a minor who is left without a legal representative, and to a person with disabilities who is in need of a legal representative, on the basis of the application of the Ministry, and furthermore ensure the accommodation of the minor by taking into account his/her best interests;

c) cooperate with the Ministry on matters related to local integration.

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

#### **Article 75 – Ministry of Education, Science and Sport of Georgia**

The Ministry of Education, Science and Sport of Georgia shall:

a) ensure the implementation of an educational programme for training in the Georgian language for the purposes of facilitating an asylum seeker and an internationally protected person to obtain general education. The procedures for the enrolment of asylum seekers or internationally protected persons on an educational programme for training in the Georgian language, the content, the terms of implementation and the rules for financing the programme shall be defined by an order of the Minister of Education, Science and Sport of Georgia;

b) ensure the exercise by an asylum seeker or an internationally protected person of the rights envisaged by Article 56(i), Article 58(1)(j) and Article 61(d) of this Law;

c) send to the Ministry, by taking into account sub-paragraph (a) of this paragraph, and on the basis of the request of the Ministry, information on the exercise by an asylum seeker or an internationally protected person of the rights envisaged by Article 56(i), Article 58(1)(j) and Article 61(d) of this Law;

d) cooperate with the Ministry on matters related to local integration.

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

#### **Article 76 – Legal Entity under Public Law called the Legal Aid Service**

The Legal Entity under Public Law called the Legal Aid Service shall ensure the provision of free legal aid on matters related to the refusal to grant a status to an asylum seeker or an internationally protected person, and related to the termination, revocation or withdrawal of such status.

#### **Article 77 – Cooperation of the Ministry with other countries and international organisations**

1. The Ministry shall cooperate with other countries, the UNHCR and international organisations regarding the matters related to internationally protected persons.



2. The Ministry shall cooperate with the UNHCR within the framework of the agreement of 11 September 1996 signed between the Government of Georgia and the UNHCR. With the aim of achieving a family reunion under Article 46 of this Law, Georgia shall cooperate with the International Red Cross Committee.

## **Chapter XI – Transitional and Final Provisions**

### **Article 78 – Measures to be carried out with regard to the entry of this Law into force**

1. Before 1 February 2017 the Government of Georgia shall ensure the compliance of subordinate legal acts of Georgia with this Law.
2. Before 1 February 2017 the Ministry shall work out and the Minister shall approve the following:
  - a) the form of a certificate of an asylum seeker, and the procedures for issuing and changing such certificate;
  - b) the asylum procedure;
  - c) procedures for the placement at a reception centre or for accommodation at other places;
  - d) procedures for taking the fingerprints of an asylum seeker and for the processing of such personal data;
  - e) the terms for the storage of personal data processed on the basis of this Law.
3. Before 1 February 2017, the Ministry of Justice of Georgia shall work out and the Minister of Justice of Georgia shall approve the form and procedures for the issuance of a travel document of a refugee and a travel document/travel passport of a person holding humanitarian status.
4. (Deleted – 5.7.2018, No 3099).

*Law of Georgia No 3099 of 5 July 2018 – website, 11.7.2018*

### **Article 79 – Void normative act**

The Law of Georgia No 5370-III of 6 December 2011 on Refugee and Humanitarian Status shall be declared void (the Legislative Herald of Georgia ([www.matsne.gov.ge](http://www.matsne.gov.ge)), 20.12.2011, registration code: 010170000.05.001.016513).

### **Article 80 – Entry into force of the Law**

1. This Law, except for Articles 1 through 77, and Article 79, shall enter into force upon its promulgation.
2. Articles 1 through 77, and Article 79 of this Law shall enter into force from 1 February 2017.

**President of Georgia**

**Giorgi Margvelashvili**

**Kutaisi**



1 December 2016

No 42-Il

