

**LAW OF GEORGIA  
ON INTERNATIONAL PROTECTION**

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

**Chapter I  
General Provisions**

**Article 1 – Scope of the Law**

1. 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 subsidiary and temporary protection;
- c) the grounds and procedures for granting, terminating, revoking and withdrawing refugee status, subsidiary protection or temporary protection, the extension of subsidiary protection or temporary protection and the exclusion from the relevant status of an alien and stateless person in Georgia;
- d) the powers of state agencies responsible in the field of international protection.

2. This Law shall not apply to the granting of international protection to an alien or a stateless person on grounds that are not related to the need for international protection and are based on compassion and humanitarian reasons.

**Article 2 – Purpose of the Law**

The purpose of this Law is to:

- (a) establish a legal framework required for asylum procedures;
- (b) ensure the protection of the rights of asylum seekers, refugee and humanitarian status holders, and persons under subsidiary and 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 the legislation of Georgia.

**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, except for the cases directly provided for by this Law;
- (c) the asylum procedure – the legal process which involves actions implemented by the 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, and where the said decision is appealed before a court in accordance with the procedure established by this Law, until a court decision enters into legal force; and also the legal process which includes actions taken in accordance with this Law from the moment of the initiation of the procedure for termination, cancellation or withdrawal of international protection or an extension of subsidiary protection or temporary protection or a refusal to extend same, until the relevant decision enters into legal force, and where the said decision is appealed in accordance with the procedure established by this Law, until the relevant 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 status or subsidiary protection in Georgia;
- (e) repeated application for international protection – a repeated application for international protection submitted by an alien or stateless person considered in accordance with the procedure established by Article 52 of this Law;
- (f) an asylum seeker – an alien or a stateless person in respect of whom an asylum procedure is initiated and whose application for international protection or repeated application for international protection has been declared admissible;
- (g) international protection – the granting of refugee status, subsidiary protection or temporary protection to an alien or stateless person and the ensuring of his/her rights under this Law;
- (h) a certificate of an asylum seeker – a document confirming the admissibility of an application for international protection by an alien or a stateless person, the progress of the asylum procedure in relation to him/her, and his/her legal presence in Georgia;
- (i) a certificate of application for international protection – a document confirming the submission of an application for international protection by an alien or a stateless person and the commencement of the admissibility stage of the



- application for international protection;
- (j) a refugee – an alien or a stateless person who has been granted refugee status on the basis of Article 15 of this Law;
- (k) a person under subsidiary protection – an alien or a stateless person who has been granted subsidiary protection on the basis of Article 19 of this Law;
- (l) a person under temporary protection – an alien or a stateless person who has been granted temporary protection on the basis of Article 22 of this Law;
- (m) an internationally protected person – a refugee or humanitarian status holder or a person under temporary protection;
- (n) the best interests of a minor – the safety, welfare, healthcare, education, development, social, economic and other interests of a minor, as defined in accordance with international standards and the individual characteristics of the minor, and in line with his/her opinion, and which comply with the UN Convention on the Rights of the Child of 1989;
- (o) the country of origin – the country of citizenship of an alien, as well as the country of permanent residence of a stateless person;
- (p) a safe country of origin – a country of origin where the existing legislation and its enforcement, within the framework of a democratic system and the general political situation, indicate that in such country, in general and continuously, there is no persecution as defined in paragraphs 1 and 2 of Article 38 of this Law, and there is no real risk of serious harm as defined in paragraph 3 of Article 38 of this Law;
- (q) a safe third country – a country that is not the country of origin of an alien or a stateless person, however, based on the relationship between that country and the alien or stateless person, he/she may be admitted to the said country legally, provided that:
- (q.a) his/her life or freedom shall not be under risk in that country on the account of race, religion, nationality, membership of a particular social group or political views;
- (q.b) he/she shall not face a real risk of serious harm in that country as defined in Article 38(3) of this Law;
- (q.c) the principle of non-refoulement shall be respected towards him/her in that country in accordance with the 1951 UN Convention Relating to the Status of Refugees;
- (q.d) his/her expulsion from that country shall not violate his/her right to protection against torture or inhuman or degrading treatment;
- (q.e) he/she shall have the opportunity to request refugee status and, if deemed necessary, receive appropriate protection in accordance with the 1951 UN Convention Relating to the Status of Refugees;
- (r) an authorised official – an employee of the Migration Department of the Ministry who performs functions provided for by this Law on the basis of powers delegated by an individual administrative act of the Minister;
- (s) illegal entry into the territory of Georgia – crossing the state border of Georgia using forged documents or in any other illegal manner;
- (t) 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 harm, or where he/she has access to efficient and long-term protection from the state agencies of the said country against persecution or serious harm, and where he/she can arrive safely, be legally admitted to and settled, and where his/her rights are respected and he/she has the opportunity for economic survival;
- (u) a family member – a member of a family already existing in the country of origin, in particular:
- (u.a) a spouse, or a partner in an unregistered marriage, of an asylum seeker or an internationally protected person;
- (u.b) minor children from a registered or unregistered marriage, and minors adopted on the basis of the legislation of the country of origin, of an asylum seeker or an internationally protected person;
- (u.c) a mother, a father, a legal representative of a single minor;
- (v) a single parent – an asylum seeker or person with international protection (mother, father) with a minor child/children;
- (w) 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 a refugee or a person under subsidiary protection;
- (x) derived status – for the purposes of the principle of the integrity of a family, a status granted to a family member of a refugee or a person under subsidiary protection;
- (y) mass entry – the request by a significant number of aliens of one country or of stateless persons for international protection, which cannot be dealt with or responded to by a single asylum procedure;
- (z) voluntary repatriation – the making of a decision by an internationally protected person on his/her safe and decent return to the country of origin without any physical, psychological or material coercion;
- (z<sup>1</sup>) a valid reason – a health condition of an alien or a stateless person that makes it impossible for him/her to submit an application for international protection or to fulfil relevant obligations provided for by this Law, as confirmed by a relevant certificate issued by a doctor. Force majeure shall also be considered a valid reason, in particular, a natural disaster, accident, fire, mass riot, military action, declaration of quarantine or a state of emergency and/or other circumstances that make it objectively impossible for an alien or a stateless person to submit an application for international protection or to fulfil other obligations provided for by this Law. In addition, the death of a family member of an alien or stateless person residing in Georgia, confirmed by an official document issued by an authorised state institution, shall be considered a valid reason;



(z<sup>2</sup>) a person with special needs – a minor, an unaccompanied minor, an elderly person, a person with disabilities, a pregnant woman, a single parent, a victim of trafficking, a person with a mental disorder, a victim of torture, rape, or other psychological, physical, or sexual violence;

(z<sup>3</sup>) a reception centre – temporary accommodation for asylum seekers;

(z<sup>4</sup>) a temporary accommodation centre – a temporary accommodation for aliens and stateless persons/asylum seekers, where appropriate grounds exist as provided for by Article 9(2) of this Law;

(z<sup>5</sup>) a travel document of a refugee – a document defined by Article 28 of the 1951 UN Convention Related to the Status of Refugees;

(z<sup>6</sup>) a travel passport – a travel document of a person under subsidiary protection;

(z<sup>7</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>8</sup>) an unaccompanied minor – a minor who has crossed the state border of Georgia without being accompanied by a parent(s) or another adult person/guardian/caregiver/supporter responsible for him/her, and whose parent(s) or other adult person/guardian/caregiver/supporter responsible for him/her is/are not representing him/her at the time of applying for international protection, as well as a minor who, after crossing the state border of Georgia, found himself/herself without parents or another adult person/guardian/caregiver/supporter responsible for him/her;

(z<sup>9</sup>) the Minister – the Minister of Internal Affairs of Georgia;

(z<sup>10</sup>) the database – a database of aliens, stateless persons, asylum seekers and internationally protected persons, which is administered by the Ministry;

(z<sup>11</sup>) state agencies responsible for the enforcement of this Law – the administrative bodies defined by Chapter X of this Law.

## **Chapter II**

### **General Principles and Procedural Guarantees of the Asylum Procedure**

#### **Article 4 – Legal guarantees**

The rights of asylum seekers and internationally protected persons shall be protected by the State.

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

1. The personal data of an alien or stateless person, asylum seeker or an internationally protected person, as well as any information related to his/her application for international protection, shall be confidential and it shall be prohibited to disclose this data/information to third parties (including state agencies and citizens of the country of origin) by transferring it (except for transfer to state agencies responsible for the enforcement of this Law), distributing it or otherwise making it available without the written consent of an alien or stateless person, asylum seeker or an internationally protected person.

2. Compliance with the principle of confidentiality shall be binding for state agencies responsible for the enforcement of this Law, who act in the field of international protection, as well as for third parties participating in the asylum procedure. The 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 fulfilment of obligations undertaken under international agreements related to terrorism or extradition, provided that the information regarding a request for international protection shall be kept confidential.

#### **Article 6 – Granting an alien or a stateless person the right to enter the territory of Georgia and ensuring access to the asylum procedure**

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

2. In the case provided for by Article 33 of this Law, an alien or stateless person may be denied the right to enter the territory of Georgia provided for by paragraph 1 of this article.

#### **Article 7 – Releasing an asylum seeker from criminal liability**

1. An alien or a stateless person shall be released from criminal liability in the case of creating false official computer data (except for acts related to the sale thereof), or his/her entry into the occupied territory of Georgia in violation of the procedure provided for by the Law of Georgia on Occupied Territories, 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 15(1), Article 19(1), Article 38(3) and Article 22(1) of this Law, and where he/she requests international protection in accordance with this Law, unless there is evidence of element(s) of other crime in his/her actions.

2. In the case provided for by paragraph 1 of this article, an alien or stateless person shall be released from criminal liability if he/she immediately, at the first opportunity, appears before a state authority and provides a proper explanation regarding the reason for committing such act.

3. An alien or a stateless person, who has conducted an act provided for by paragraph 1 of this article because he/she was a victim of trafficking prior to obtaining the status of the 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.

5. In order to obtain information on the completion of the asylum procedure, the relevant database of the Ministry shall be available to the authorised persons of an investigative body who are investigating the possible commission of an act (offence) provided for by paragraph 1 of this article by an alien or stateless person.

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

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 of an alien or stateless person/asylum seeker and/or his/her placement in a temporary accommodation centre**

1. The detention of an alien or stateless person/asylum seeker and/or his/her placement in a temporary accommodation centre shall be an extreme measure, which shall not be discriminatory and shall serve only a legitimate purpose.

2. An alien or stateless person/asylum seeker may be detained and placed in a temporary accommodation centre if:

(a) he/she cannot be identified;

(b) there is a risk of his/her absconding and/or evading cooperation with an authorised official;

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

(d) there are sufficient grounds to believe that he/she may endanger public health;

(e) he/she grossly violates public safety and order;

(f) the circumstances specified in Article 33(10) of this Law exist, and at the same time, an alien or stateless person/asylum seeker poses a threat to the state security of Georgia;

(g) he/she failed to comply with the obligations imposed by a judge under the alternative measure of placement in a temporary accommodation centre.

3. Immediately upon detention, an alien or stateless person/asylum seeker shall be informed in an understandable manner, in a language he/she understands, as may reasonably be considered, of the following:

(a) the grounds for detention;

(b) the right to a lawyer;

(c) the right to notify a person of his/her choice/relative about the detention;

(d) the right to request a medical examination.

4. A detained alien or stateless person/asylum seeker shall be given the opportunity to immediately notify a person of his/her choice/relative about the detention, using the resources of the Ministry, if necessary.

5. A detained alien or stateless person/asylum seeker may be placed in a temporary detention isolator or temporary detention centre of the Ministry.

6. A detained alien or stateless person/asylum seeker shall be placed separately from other offenders. Men and a women shall be placed separately, unless they are family members. Minors shall be placed separately from adults, unless they are family members. Family unity shall be maintained unless there is a security risk that requires the separation of family members.

7. An alien or stateless person/asylum seeker shall be brought before a court for a decision on his/her placement in a temporary accommodation centre no later than 48 hours after his/her detention. If within the next 24 hours the court does not make a decision on the placement of an alien or stateless person/asylum seeker in a temporary accommodation centre, the alien or stateless person/asylum seeker shall be immediately released.

8. If an alien or stateless person/asylum seeker is not brought before the court within 48 hours of his/her detention, he/she shall be immediately released.

9. If one of the grounds provided for by paragraph 2 of this article exists, the detained alien or stateless person/asylum



seeker may be placed in a temporary accommodation centre until the completion of the asylum procedure.

10. An alien or stateless person/asylum seeker may be placed in a temporary accommodation centre for 3 months. If any of the grounds provided for by paragraph 2 of this article exist, the period of the placement of an alien or stateless person/asylum seeker in a temporary accommodation centre may be extended for an additional 6 months on the basis of a substantiated petition submitted to the court by the Ministry. The total period of stay of an alien or stateless person/asylum seeker in a temporary accommodation centre shall not exceed 9 months. After the expiration of this period, an alien or stateless person/asylum seeker shall leave the temporary accommodation centre.

11. If international protection is granted to an alien or stateless person/asylum seeker placed in a temporary accommodation centre within the period specified by paragraph 10 of this article, he/she shall leave the temporary accommodation centre.

12. An alien or stateless person/asylum seeker may also be detained and/or placed in a temporary accommodation centre where provided for by the Law of Georgia On the Legal Status of Aliens and Stateless Persons, on the grounds specified by the same law.

13. When an alien or stateless person/asylum seeker is detained and/or placed in a temporary accommodation centre, the procedure for the detention of an alien or stateless person/asylum seeker and placement in a temporary accommodation centre shall be applied, which shall be established by a normative act of the Minister.

#### **Article 10 – Alternative measure for placement of an alien or stateless person/asylum seeker in a temporary accommodation centre**

1. The court shall be authorised, on its own initiative or, if necessary, upon the request of the Ministry, to make a decision on the use of an alternative measure to the placement of an alien or stateless person/asylum seeker in a temporary accommodation centre.

2. An alternative measure to the placement of an alien or stateless person/asylum seeker in a temporary accommodation centre may be determined as:

(a) a regular visit, but not more than twice a week, to the relevant territorial body of the police and/or other authorised unit of the Ministry;

(b) a suretyship of a citizen of Georgia related to an alien or stateless person/asylum seeker.

3. The alternative measure to the placement of an alien or stateless person/asylum seeker in a temporary accommodation centre shall be determined by the court. The term of validity of the alternative measure to the placement of an alien or stateless person/asylum seeker in a temporary accommodation centre shall be 3 months. If necessary, that term may be extended for an additional 6 months based on a substantiated petition submitted to the court by the Ministry.

#### **Article 11 – Non-discrimination**

This Law shall apply without discrimination to aliens, stateless persons, asylum seekers and persons enjoying international protection, regardless of race, skin colour, language, sex, age, citizenship, origin, place of birth, place of residence, property or status, religion or belief, national, ethnic or social origin, profession, marital status, health status, disability, sexual orientation, political or other opinion or other grounds.

#### **Article 12 – Observance of the principle of family unity**

1. The Ministry shall observe the principle of the family unity of an internationally protected person.

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

#### **Article 13 – Taking into account the best interests of minors**

Decisions related to minors shall comply with the 1989 UN Convention on the Rights of the Child, 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 family unity, 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, the ability of perception and communication skills).

### **Chapter III**

#### **Grounds for Granting Refugee Status or Subsidiary Protection or Temporary Protection and Grounds 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 shall be the following:

(a) refugee status;

(b) subsidiary protection;

(c) temporary protection.

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



1. In accordance with the procedure established by this Law, refugee status shall be granted to an alien or a stateless person who is outside of the country of origin, has a well-founded fear that he/she may become a victim of persecution on the grounds of race, religion, nationality, the membership of a particular social group or political opinion, and who is unable or unwilling, owing to such fear, to return to his/her country of origin or to avail himself/herself of the protection of that country.
2. In the event of a mass influx of aliens or stateless persons who meet the requirements (grounds) specified by paragraph 1 of this article, the Ministry shall, in accordance with the procedure established by this Law, make a decision to grant them refugee status on the basis of a group principle, prima facie approach.
3. Refugee status shall be granted on the basis of a group principle in accordance with the procedure established by Article 22 of this Law.

#### **Article 16 – The right to request sur place 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. In the case provided for by this article, a well-founded fear of persecution or a real risk of serious harm to an alien or stateless person may be based on the activity in which he/she has been involved since leaving the country of origin, and which is an expression and continuation of the beliefs or orientation that the alien or stateless person had in the country of origin.
3. If an alien or stateless person repeatedly applies to the Ministry with a request 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 an alien or stateless person has a well-founded fear of persecution or a real risk of serious harm arising from circumstances that he/she has deliberately and intentionally created after leaving his/her country of origin.

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

1. An alien or stateless person shall not be granted refugee status if he/she fails to meet the requirements (grounds) determined by Article 15(1) of this Law.
2. In addition, an alien or stateless person shall not be granted refugee status if:
  - (a) there are sufficient grounds to assume that he/she may endanger:
    - (a.a) the state security of Georgia;
    - (a.b) the territorial integrity of Georgia;
    - (a.c) public security and public order;
  - (b) he/she has been convicted in Georgia by a court judgement that has entered into legal force of committing an intentional grave or especially grave crime or a family crime.
3. An alien or a stateless person shall not require refugee status and he/she shall be refused the status if:
  - (a) he/she has been granted international protection by another state that is a safe country for him/her;
  - (b) he/she is a citizen of two or more countries and has the opportunity to benefit from the protection of one of them;
  - (c) he/she has an alternative of internal displacement;
  - (d) he/she is a subject to Article 1, Part D of the 1951 UN Convention Relating to the Status of Refugees;
  - (e) he/she is recognised by a competent authority of the country of residence as having the rights and obligations associated with the possession of the citizenship of that country.

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

1. An alien or stateless person shall be excluded from refugee status if he/she meets the requirements determined by Article 15 of this Law and, there are sufficient grounds for assuming 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 established for this purpose;
  - (b) he/she committed an intentional grave or especially grave crime of a non-political character outside Georgia before he/she was granted refugee status;
  - (c) he/she is accused of committing an act contrary to the aims and principles of the United Nations.
2. The first paragraph of this article shall also apply to a person who incites the commission of a crime or act provided for by this article or otherwise participates in the commission of the said crime or act.

#### **Article 19 – Grounds for granting subsidiary protection**

1. Subsidiary protection shall be granted to an alien or a stateless person who does not meet the requirements (grounds) for granting refugee status as determined by Article 15 of this Law, however, there is a real risk that, if returned to the country of origin, he/she will face serious harm as provided for by Article 38(3) of this Law.
2. An alien or a stateless person shall be granted subsidiary protection for a period of 1 year. The subsidiary protection may be extended by a decision of the Ministry for the same period and multiple times if the circumstances determined by paragraph 1 of this article still exist.



## **Article 20 – Grounds for refusing to grant subsidiary protection**

1. An alien or stateless person shall not be granted subsidiary protection if he/she fails to meet the requirements (grounds) determined by Article 19(1) of this Law.
2. In addition, an alien or stateless person shall not be granted subsidiary protection if he/she has been convicted in Georgia by a final court judgement for committing an intentional grave or especially grave crime or a family crime.
3. An alien or a stateless person shall not require subsidiary protection and he/she shall be refused it if:
  - (a) he/she has been granted international protection by another state that is a safe country for him/her;
  - (b) he/she is a citizen of two or more countries and has the opportunity to benefit from the protection of one of them;
  - (c) he/she has an alternative of internal displacement;
  - (d) he/she is recognised by a competent authority of the country of residence as having the rights and obligations associated with the possession of the citizenship of that country.

## **Article 21 – Exclusion from subsidiary protection**

1. An alien or stateless person shall be excluded from subsidiary protection if he/she meets the requirements determined by Article 19 of this Law and, there are sufficient grounds for assuming that:
  - (a) he/she has committed crimes against humanity, peace, security, and international humanitarian law;
  - (b) he/she committed an intentional grave or especially grave crime outside Georgia before he/she was granted subsidiary protection;
  - (c) he/she is accused of committing an act contrary to the aims and principles of the United Nations;
  - (d) he/she will pose a danger to:
    - (d.a) the state security of Georgia;
    - (d.b) the territorial integrity of Georgia;
    - (d.c) public security and public order.
2. The first paragraph of this article shall also apply to a person who incites the commission of a crime or act provided for by paragraph 1 of this article or otherwise participates in the commission of the said crime or act.
3. An alien or stateless person may also be excluded from subsidiary protection if, prior to entering the territory of Georgia, he/she committed another crime not provided for by paragraph 1 of this article and which is punishable by imprisonment under the legislation of Georgia, and if he/she left the country of origin solely to avoid criminal liability for the commission of the above crime.

## **Article 22 – Grounds and procedures for granting the status of a person under temporary protection**

1. Temporary protection shall be granted to aliens or stateless persons who enter in mass and who meet the requirements (grounds) determined by Article 38(3)(c) of this Law.
2. The Government of Georgia shall adopt a legal act for the purpose of granting temporary protection to an alien or stateless person provided for by paragraph 1 of this article.
3. An alien or a stateless person shall be granted temporary protection for a period of 1 year. The temporary protection may be extended by the decision of the Government of Georgia for the same period and multiple times if the circumstances determined by paragraph 1 of this article still exist.
4. After the registration of aliens or stateless persons entering in mass, an authorised official shall issue them a document confirming the granting of temporary protection to them and their legal stay in the territory of Georgia.
5. Where grounds exist as provided for by Articles 15 and 19 of this Law, an alien or a stateless person shall have the right to submit an individual application for international protection within 15 days from the expiration of the period determined by paragraph 3 of this article.
6. In case of the violation of the period determined by paragraph 5 of this article by an alien or a stateless person without a reasonable excuse, the Ministry shall issue an individual administrative act on the refusal to accept the application for international protection.
7. After a decision of the Ministry on the refusal to grant temporary protection to an alien or stateless person enters into legal force, including after a court decision on the refusal to grant temporary protection in the event of the appeal of the decision of the Ministry in the court, an alien or stateless person shall be obliged to leave Georgia in accordance with the procedure established by the Law of Georgia On the Legal Status of Aliens and Stateless Persons, unless there is another legal basis for his/her stay in Georgia.
8. The procedure for granting temporary protection shall be regulated by a normative act of the Minister.

## **Article 23 – Grounds for refusing to grant temporary protection**

1. An alien or stateless person shall not be granted temporary protection if he/she fails to meet the requirements (grounds) determined by Article 22(1) of this Law.
2. In addition, an alien or stateless person shall not be granted temporary protection if he/she has been convicted in Georgia by a final court judgement for committing an intentional grave or especially grave crime or a family crime.
3. An alien or a stateless person shall not require temporary protection and he/she shall be refused it if:



- (a) he/she has been granted international protection by another state that is a safe country for him/her;
- (b) he/she is a citizen of two or more countries and has the opportunity to benefit from the protection of one of them;
- (c) he/she has an alternative of internal displacement;
- (d) he/she is recognised by a competent authority of the country of residence as having the rights and obligations associated with the possession of the citizenship of that country.

#### **Article 24 – Exclusion from temporary protection**

1. An alien or stateless person shall be excluded from temporary protection if he/she meets the requirements determined by Article 22 of this Law and, there are sufficient grounds for assuming that:
  - (a) he/she has committed crimes against humanity, peace, security, and international humanitarian law;
  - (b) he/she committed an intentional grave or especially grave crime outside Georgia before he/she was granted temporary protection;
  - (c) he/she is accused of committing an act contrary to the aims and principles of the United Nations;
  - (d) he/she will pose a danger to:
    - (d.a) the state security of Georgia;
    - (d.b) the territorial integrity of Georgia;
    - (d.c) public security and public order.
2. The first paragraph of this article shall also apply to a person who incites the commission of a crime or act provided for by this article or otherwise participates in the commission of the said crime or act.
3. An alien or stateless person may also be excluded from temporary protection if, prior to entering the territory of Georgia, he/she committed another crime not provided for by paragraph 1 of this article and which is punishable by imprisonment under the legislation of Georgia, and if he/she left the country of origin solely to avoid criminal liability for the commission of the above crime.

### **Chapter IV**

#### **Request for international protection**

#### **Article 25 – Request for international protection**

1. An alien or stateless person shall have the right to request international protection in his/her native language or another language understandable to him/her, while staying in the territory of Georgia, only at the Migration Department of the Ministry, except for the cases provided for by paragraph 2 of this article.
2. International protection may also be requested:
  - (a) in the case of an illegal crossing of the state border of Georgia as provided for by Article 7(1) of this Law, at the authorised body of the Ministry implementing border control;
  - (b) within the framework of the border procedure provided for by Article 33 of this Law, at the authorised body of the Ministry implementing border control;
  - (c) while staying in a penitentiary institution of the Special Penitentiary Service, a state sub-agency institution within the system of the Ministry of Justice of Georgia ('the penitentiary institution'), at the penitentiary institution.
3. If an alien or a stateless person has applied for international protection at a state agency as referred to in paragraph 2 of this article, the state agency receiving the application for international protection shall ensure that he/she is provided with information on the asylum procedure in an understandable manner, in a language he/she understands, as may reasonably be considered.
4. The asylum procedure shall be regulated by a normative act of the Minister.

#### **Article 26 – Request for international protection by an alien or stateless person who is the subject of expulsion or extradition proceedings from Georgia**

1. Upon the initiation of the expulsion or extradition procedure from Georgia, an authorised official of the Ministry, as well as the Prosecutor's Office of Georgia or a body detaining an alien or stateless person, upon the instruction of the prosecutor, shall immediately provide the alien or stateless person with information on the right to request international protection and the time limit for exercising this right, in accordance with the procedure established by the legislation of Georgia, in an understandable manner or in a language that he/she understands, as may reasonably be considered. The provision of information to an alien or stateless person provided for by this paragraph shall be confirmed by a written document drawn up by an authorised official.
2. An alien or a stateless person who is the subject of the expulsion or extradition procedure from Georgia shall have the right to request international protection in his/her native language or another language understandable to him/her, in person or through a lawyer with appropriate power of attorney, at the Migration Department of the Ministry or at a penitentiary institution.
3. An alien or a stateless person who is the subject of the expulsion or extradition procedure from Georgia shall have the right to apply for international protection to the state agencies provided for by paragraph 2 of this article in accordance with the procedure established by paragraph 1 of the same article within 10 calendar days from the receipt of the



information. In the case of a violation of the said period by an alien or a stateless person without a reasonable excuse, the Ministry shall issue an individual administrative act on the refusal to accept the application for international protection.

4. After a decision to refuse to accept an application for international protection of an alien or a stateless person in accordance with paragraph 3 of this article, as well as in the event of an appeal of the said decision to a court in accordance with the procedure established by this Law, the expulsion of an alien or stateless person from Georgia or the adoption of a final decision on his/her extradition by the Minister of Justice of Georgia and the enforcement of this decision shall not be prevented.

5. In the event of a valid reason, the period determined by paragraph 3 of this article may be resumed no longer than for the period of the existence of the valid reason. An alien or a stateless person shall immediately (at the earliest opportunity) request international protection upon the elimination of the circumstances related to the valid reason. The burden of proving the existence of the valid reason shall lie with an alien or stateless person.

6. If international protection has been requested by an alien or stateless person who is the subject of the expulsion or extradition procedure from Georgia and who is not placed in a penitentiary institution or a temporary accommodation centre of the Ministry, an authorised official of the Ministry shall refer the alien or stateless person to the relevant unit of the Migration Department of the Ministry and provide him/her with information in writing, in a language he/she understands, about the obligation to appear to the said unit within 5 working days and to provide information about his/her mobile phone number, e-mail address and place of residence (if any), and about the consequences of a failure to fulfil that obligation. The alien or stateless person shall sign this information.

7. In the event of a request for international protection by a alien or stateless person within the period determined by paragraph 3 of this article, an authorised official of the penitentiary institution shall immediately provide the Migration Department of the Ministry with information about the alien or stateless person who has requested international protection, and shall send an application for international protection no later than 3 working days.

8. If a safe third country requests the extradition of an alien or stateless person, the Ministry shall make a decision on declaring the application for international protection inadmissible in accordance with Article 31 of this Law. If an application for international protection is declared inadmissible, including in the event of an appeal against the said decision in court by an alien or stateless person in accordance with the procedure established by this Law, he/she shall not be considered an asylum seeker, and the Minister of Justice of Georgia shall not be prevented from making a final decision on his/her extradition and from enforcing this decision.

9. In the event of an appeal in the court of an individual administrative act as provided for by paragraphs 3 and 8 of this article, an alien or a stateless person shall not enjoy the rights established by Article 66 of this Law, including the right to free legal aid in the course of a court dispute determined by points (e) and (l) of paragraph 1 of the same article and the right to exemption from the payment of state fees.

10. If an alien or a stateless person fails to appear at the Ministry within the period determined by paragraph 6 of this article and/or to submit the mandatory contact information, the asylum procedure shall be terminated.

11. If an alien or a stateless person requests international protection in the relevant institution of the system of the Ministry, the procedure for exchanging information between the relevant units of the Ministry shall be established by an order of the Minister.

12. After the initiation of the consideration of the issue of the expulsion of an alien or stateless person from Georgia, if he/she requests international protection within the period determined by paragraph 3 of this article, the consideration of the issue of an expulsion and the asylum procedure shall be conducted simultaneously, within the framework of one administrative proceeding. The procedure for considering the application for international protection and the issue of an expulsion provided for by this paragraph shall be determined by an order of the Minister.

13. In the case provided for by paragraph 12 of this article, the decision on the expulsion of an alien from Georgia or the refusal to expel him/her, and the decision related to the request for/granting of international protection, shall be adopted by one individual administrative act.

14. In the case provided for by paragraph 13 of this article, the decision related to the request for/granting of international protection shall not be appealed separately. That decision may be appealed together with the decision to expel or refusal to expel an alien from Georgia, within 10 calendar days from its delivery, in accordance with the procedure established by Articles 21<sup>122</sup> and 21<sup>126</sup> of the Administrative Procedure Code of Georgia.

## **Article 27 – Request for international protection by an accused or convicted alien or stateless person who is in a penitentiary institution**

1. Upon placement in a penitentiary institution, no later than the 2nd working day thereafter, an authorised official of the penitentiary institution shall, in accordance with the procedure established by the legislation of Georgia, provide information to an accused or convicted alien or stateless person (except for a person convicted of an intentional grave or especially grave crime, as well as a family crime) in writing, in an understandable manner, in a language he/she understands, as may reasonably be considered, on:

(a) his/her possible expulsion from Georgia after serving his/her sentence or after being released from serving his/her sentence on any other grounds;

(b) his/her right to request international protection and the time limit for exercising this right;



- (c) in the event of release from a penitentiary institution before the Ministry makes a decision on international protection, the obligation to appear at the Ministry within 5 working days, provide information on the mobile phone number, e-mail address and address of residence (if any), and the consequences of a failure to comply with this obligation.
2. A protocol shall be drawn up on the provision of information provided for by paragraph 1 of this article, which an accused or convicted alien or stateless person shall confirm with his/her signature. The original of that protocol shall be sent to the Migration Department of the Ministry within 3 working days, and a copy thereof shall be given to the accused or convicted alien or stateless person.
3. An accused or convicted alien or stateless person as provided for by paragraph 1 of this article, who is in a penitentiary institution, shall have the right to request international protection in the penitentiary institution, in his/her native language or in another language understandable to him/her, and through a lawyer with the appropriate power of attorney; and also in the Migration Department of the Ministry, within 10 calendar days from the receipt of information in accordance with the procedure established by paragraph 1 of this article. In case of a violation of the said period by an accused or convicted alien or a stateless person without a reasonable excuse, the Ministry shall issue an individual administrative act on the refusal to accept the application for international protection.
4. After the decision on refusal to accept an application for international protection in accordance with paragraph 3 of this article has been served on an accused or convicted alien or stateless person, as well as in the event of his/her appeal against the said decision in court in accordance with the procedure established by this Law, the expulsion of the accused or convicted alien or stateless person from Georgia or the adoption of a final decision on his/her extradition by the Minister of Justice of Georgia and the execution of that decision shall not be prevented.
5. In the event of a valid reason, the period determined by paragraph 3 of this article may be resumed no longer than for the period of the existence of the valid reason. An accused or convicted alien or stateless person as provided for by paragraph 1 of this article shall immediately (at the earliest opportunity) request international protection upon the elimination of the circumstances related to the valid reason. The burden of proving the existence of the valid reason shall lie with an accused or convicted alien or stateless person.
6. In the event of a request for international protection in person by an accused or convicted alien or stateless person as provided for by paragraph 1 of this article, a penitentiary institution shall send his/her application to the Migration Department of the Ministry within no later than 3 working days.
7. When interviewing an accused or convicted alien or stateless person as provided for by paragraph 1 of this article who is in a penitentiary institution and has requested international protection, an authorised official of the Ministry shall explain to him/her the rights and obligations provided for by this Law and the asylum procedure, as well as the obligation to appear to the Migration Department of the Ministry within 5 working days upon the release from the penitentiary institution, to provide information on his/her mobile phone number, e-mail address and residence address (if any), and the consequences of a failure to fulfil this obligation.
8. If an accused or convicted alien or stateless person as provided for by paragraph 1 of this article, who has requested international protection, upon release from a penitentiary institution does not appear at the Migration Department of the Ministry within the period determined by paragraph 7 of this article and does not submit the mandatory contact information, the asylum procedure shall be terminated. After the individual administrative act on the termination of the asylum procedure as determined by this paragraph is delivered to an alien or stateless person in accordance with the procedure established by Article 58 of this Law, as well as in the event of his/her appeal against the said act in court in accordance with the procedure established by this Law, the alien or stateless person shall not be considered an asylum seeker, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and from the moment of the delivery of the said act to the alien or stateless person, his/her expulsion or extradition from Georgia shall be permitted.
9. In the event of an appeal in the court of an individual administrative act as provided for by paragraphs 3 and 8 of this article, an alien or a stateless person shall not enjoy the rights established by Article 66 of this Law, including the right to free legal aid in the course of a court dispute as determined by points (e) and (l) of paragraph 1 of the same article and the right to exemption from the payment of state fees
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10. The procedure and form for explaining the information provided for by paragraph 1 of this article to the relevant accused or convicted alien or stateless person in a penitentiary institution, as well as the procedure for exchanging information between the Ministry and the penitentiary institution, shall be determined by a joint order of the Minister and the Minister of Justice of Georgia.

#### **Article 28 – Request for international protection by a person with special needs**

1. A person with special needs shall request international protection in accordance with Article 25 of this Law.
2. The Migration Department of the Ministry shall immediately provide information about an unaccompanied minor, as well as, if necessary, information about a person with disabilities, to the guardianship and care body determined by the legislation of Georgia. If necessary, the said body shall ensure the appointment of a guardian/caregiver/supporter for the unaccompanied minor or person with disabilities in accordance with the procedure established by the legislation of Georgia.



3. A request for international protection of an unaccompanied minor or person with disabilities who needs a legal representative shall immediately be registered on the basis of a relevant protocol by an authorised official. An application for international protection shall be submitted after the appointment of a guardian/caregiver/supporter for an unaccompanied minor or a person with disabilities. The period for considering an application for international protection shall begin from the date of registration of the application for international protection.

#### **Article 29 – The right to request placement of an asylum seeker in a reception centre**

1. During the period of consideration of an application for international protection on merits by the Ministry, an asylum seeker shall have the right to request placement in a reception centre. The Ministry shall consider the request based on the application of the person concerned.

2. The following shall be determined by an order of the Minister:

(a) issues related to the placement of an asylum seeker in a reception centre;

(b) the grounds and procedure for terminating the right of an asylum seeker/person placed in a reception centre to be placed in a reception centre;

(c) grounds and procedure for a person placed in a reception centre to leave the reception centre (including by force) and for the disposal of the items in his/her possession.

3. If grounds for terminating the right of his/her placement in a reception centre exist, an asylum seeker/person placed in a reception centre shall be obliged to leave the reception centre within the period determined by this Law.

4. In case of a failure to comply with the requirement determined by paragraph 3 of this article, a person placed in a reception centre shall be made to leave the reception centre by applying coercive measures, in accordance with the procedure established by the order of the Minister, without applying to the court and without initiating enforcement proceedings as provided for by the Law of Georgia on Enforcement Proceedings.

5. Appealing the decision on the termination of the right to placement in a reception centre for an asylum seeker/person placed in the reception centre shall not suspend its enforcement.

6. A person with special needs shall be accommodated in accordance with the procedure established by an order of the Minister.

### **Chapter V**

#### **Procedure for the Review of an Application for International Protection**

#### **Article 30 – Main procedural standards**

1. An authorised official shall examine the application for international protection individually, objectively and impartially.

2. An application for international protection shall be considered on the merits:

(a) in accordance with the general procedure;

(b) in accordance with the expedited procedure;

(c) in accordance with the procedure for consideration at the state border of Georgia.

3. The consideration on the merits of an application for international protection shall commence in accordance with the procedure provided for by points (a) or (b) of paragraph 2 of this article if the application for international protection passes the admissibility stage determined by Article 31 of this Law.

4. The grounds for granting refugee status or subsidiary protection to an alien or stateless person shall be examined in accordance with a unified procedure, consecutively, with the examination and assessment of the grounds for granting refugee status provided for by Article 15 of this Law. If the asylum seeker does not meet the criteria for granting refugee status, the said procedure continues with the examination and assessment of the grounds for granting subsidiary protection provided for by Article 19 of the same Law.

5. In the event of an explicit justification of the existence of circumstances determined by Articles 15 and 19 of this Law, a decision on granting refugee status or subsidiary protection to an alien or stateless person may be made after completing a questionnaire with him/her, in accordance with the procedure established by Article 42 of this Law for the consideration of an application for international protection.

#### **Article 31 – Admissibility stage of an application for international protection**

1. The Ministry shall, in accordance with the procedure established by this article, verify the admissibility of an application for international protection of an alien or stateless person.

2. An application for international protection of an alien or stateless person shall be deemed inadmissible and shall not be considered on the merits if:

(a) an alien or stateless person has been granted international protection by another state that is a safe country for him/her;

(b) there exists a safe third country for an alien or stateless person;

(c) an alien or stateless person has been convicted in Georgia by a final court judgement that has entered into legal force of committing an intentional grave or especially grave crime or a family crime;



- (d) a family member of an alien or stateless person files an application for separate international protection after he/she has expressed his/her consent to have his/her case considered within the framework of the application for international protection of an alien or stateless person as provided for by this paragraph, and there are no new circumstances related to his/her situation that would justify his/her filing an application for separate international protection;
- (e) the requirements determined by Article 52(1) of this Law are not met.
3. In order to establish the circumstances determined by paragraph 2 of this article and the admissibility of the application for international protection, a questionnaire shall be conducted with an alien or stateless person in accordance with the procedure established by Article 35 of this Law, except for the case provided for by point (e) of paragraph 2 of this article. An alien or stateless person shall have the right to present his/her opinion on the relevant circumstances determined by paragraph 2 of this article during the questionnaire.
4. The Ministry shall make a decision on the admissibility or inadmissibility of an application for international protection within 5 working days from the questionnaire with an alien or stateless person, except for the case provided for by point (e) of paragraph 2 of this article. By a decision of an authorised official, this period may be extended once, for not more than 5 working days.
5. An alien or a stateless person shall be served with the decision provided for by paragraph 4 of this article (in the Georgian language, as well as translated into a language he/she understands) in accordance with the procedure established by Article 58 of this Law, with an indication of the procedure for appealing to a court established by this Law.
6. It shall not be permitted to expel or extradite an alien or stateless person from Georgia before the decision provided for by paragraph 4 of this article (an individual administrative act) is served on him/her in accordance with the procedure established by paragraph 5 of the same article.
7. The decision provided for by paragraph 4 of this article may be appealed in court within 7 calendar days after it has been served on an alien or stateless person.
8. After the individual administrative act on the inadmissibility of an application for international protection is delivered to an alien or stateless person in accordance with paragraph 2 of this article, as well as in the event of his/her appeal against the said act in court in accordance with the procedure established by this Law, the alien or stateless person shall not be considered an asylum seeker, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and from the moment of the delivery of the said act to the alien or stateless person, his/her expulsion or extradition from Georgia shall be permitted.
9. In the event of an appeal in the court against an individual administrative act on the inadmissibility of an application for international protection in accordance with paragraph 2 of this article, an alien or a stateless person shall not enjoy the rights established by Article 66 of this Law, including the right to free legal aid in the course of a court dispute as determined by points (e) and (l) of paragraph 1 of the same article and the right to exemption from the payment of state fees.
10. In the case provided for by point (e) of paragraph 2 of this article, an application for international protection shall be considered in accordance with the procedure established by Article 52 of this Law.
11. On the basis of an individual administrative act on the admissibility of an application for international protection, the certificate of an asylum seeker shall be issued to an alien or a stateless person, and a temporary identification card shall be issued on the basis of that certificate.
12. After issuing the certificate of an asylum seeker to an alien or a stateless person, the Ministry shall collect the travel document of an asylum seeker (if any). The travel document shall be returned to the asylum seeker after the decision of the Ministry on the termination of the consideration of the application for international protection or the refusal to grant refugee status or subsidiary protection enters into legal force, and in the event of his/her appeal of the decision of the Ministry to the court in accordance with the procedure established by this Law, after the decision of the court on the refusal to grant refugee status or subsidiary protection enters into legal force.
13. The decision on the admissibility of an application for international protection shall entitle an asylum seeker to the rights and obligations provided for by Articles 66 and 67 of this Law.
14. After making the decision on the admissibility of an application for international protection, the application for international protection shall be considered in accordance with the procedure established by Article 30(2)(a) or (b) of this Law.

### **Article 32 – Consideration of applications for international protection in an expedited procedure**

1. An application for international protection shall be deemed manifestly unfounded and shall be considered in an expedited procedure if one of the following grounds exist:
- (a) the information specified in the application for international protection does not relate to the grounds for granting refugee status or subsidiary protection provided for by Articles 15 or 19 of this Law;
- (b) an asylum seeker is from a safe country of origin;
- (c) an alien or stateless person has misled the Ministry by concealing relevant information or documents about his/her identity and/or citizenship, as well as by submitting false information or forged documents, which could have a negative impact on the decision;
- (d) an alien or stateless person has provided the Ministry with manifestly irrelevant and contradictory, manifestly false or



dubious information about his/her country of origin, which makes his/her application for international protection unconvincing;

(e) apparently an alien or a stateless person has dishonestly destroyed or disposed of his/her identification or travel document, which could have established his/her identity and/or citizenship;

(f) an alien or stateless person refuses to have his/her fingerprints and palm prints taken or to have his/her photograph taken;

(g) an alien or a stateless person has illegally entered the territory of Georgia or has illegally extended his/her stay in Georgia and, taking into account the circumstances of his/her entry into the territory of Georgia, has not immediately reported to the state agency responsible for the enforcement of this Law and has not requested international protection;

(h) an alien or a stateless person has requested international protection for an unjustified reason within 30 days of entering the territory of Georgia, except for cases where the request for international protection is based on a significant change in circumstances in the country of origin of the alien or stateless person.

2. A repeated application for international protection, which has been declared admissible in accordance with Article 52 of this Law, shall be considered in an expedited procedure.

3. The concept of a safe country of origin shall apply only if this country is the country of origin of an alien or a stateless person and the alien or stateless person has not presented any evidence in support of the reasonable assumption that the said country, taking into account individual circumstances, is not a safe country for him/her.

4. During the consideration of an application for international protection in an expedited procedure within the time limit determined by Article 37(8) of this Law, a decision on granting refugee status or subsidiary protection to an alien or stateless person, or on refusing to grant refugee status or subsidiary protection, may be made after conducting a questionnaire with him/her, in accordance with the procedure established by Article 42 of the same Law for the consideration of an application for international protection.

5. If additional circumstances are identified during the consideration of an application for international protection, which require additional study of the case, and it is not possible to consider and make a decision on the application for international protection within the time limit determined by Article 37(8) of this Law for the consideration of an application for international protection in an expedited procedure, the application for international protection shall be considered within the time limits established by paragraphs 1-5 of the same Article for the consideration of an application for international protection in the general procedure.

6. After a decision to refuse to grant international protection to an alien or stateless person within the framework of the expedited procedure of an application for international protection has been delivered, as well as in the event of his/her appeal against the said decision in court in accordance with the procedure established by this Law, the alien or stateless person shall not be considered an asylum seeker, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and from the moment of the delivery of the said decision to the alien or stateless person, his/her expulsion or extradition from Georgia shall be permitted.

7. In the event of an appeal to the court of a decision (individual administrative act) provided for by paragraph 6 of this article, an alien or a stateless person shall not enjoy the rights established by Article 66 of this Law, including the right to free legal aid in the course of a court dispute determined by points (e) and (l) of paragraph 1 of the same article and the right to exemption from the payment of state fees.

### **Article 33 – Procedure for considering applications for international protection at the state border of Georgia**

1. In the event of a request for international protection by an alien or a stateless person at the state border of Georgia or in a transit zone under the control of Georgia, the application for international protection shall be considered in accordance with the procedure established by this article, if:

(a) any of the circumstances determined by Article 31(2) of this Law exist;

(b) any of the circumstances determined by Article 32(1) of this Law exist;

(c) an alien or a stateless person poses a threat to the state security of Georgia, its territorial integrity or public security or was expelled from Georgia for posing a threat to the state security of Georgia, its territorial integrity or public security.

2. In order to clarify the relevant circumstances determined by paragraph 1 of this article, an authorised official shall conduct an initial interview with the alien or stateless person and draw up an appropriate protocol, after which a decision may be made on the consideration of the application for international protection in accordance with the procedure established by this article.

3. Within the framework of the consideration of an application for international protection at the state border of Georgia, the application for international protection shall be considered within 7 calendar days from the receipt of the protocol determined by paragraph 2 of this article by the Migration Department of the Ministry. If complex factual and/or legal issues are identified that require additional examination, this period may be extended once, by a decision of an authorised official, for not more than 3 calendar days. When considering an application for international protection in accordance with the procedure established by this article, on the basis of the interview conducted with an alien or a stateless person, one of the following decisions shall be made in accordance with the procedure established by Article 42 of this Law:

(a) on the declaration of the inadmissibility of an application for international protection;

(b) on granting international protection or refusing to grant international protection;



- (c) on considering an application for international protection in accordance with the procedure established by Article 30(2)(a) of this Law and granting an alien or a stateless person the right to enter the territory of Georgia;
- (d) on considering an application for international protection in accordance with the procedure established by Article 30(2)(a) of this Law and detaining an alien or a stateless person on the grounds determined by Article 9(2)(f) of this Law.
4. In the case provided for by paragraph 3 of this article, a questionnaire may be conducted with an alien or a stateless person, including remotely, using technical means.
5. In the case provided for by points (c) or (d) of paragraph 3 of this article, an alien or a stateless person shall be considered an asylum seeker, shall enjoy the rights established by Article 66 of this Law and shall be subject to the obligations established by Article 67 of the same Law.
6. An alien or a stateless person shall be served with the decision provided for by paragraph 3 of this article (in the Georgian language, as well as translated into a language he/she understands) in person, on the date of taking that decision, with an indication of the procedure for appealing to a court established by this Law.
7. The decision provided for by paragraph 3 of this article may be appealed in court within 7 calendar days after it is served on an alien or stateless person.
8. In the event of an appeal against the decision provided for by paragraph 3 of this article to the City Court, the claim shall be considered remotely, using technical means, and the decision shall be made within 7 calendar days from the date of filing the claim. The decision of the City Court shall be final and shall not be appealed.
9. The time limit for consideration of an application for international protection at the state border of Georgia (including the time limit for making a decision by the court) shall not exceed 28 calendar days from the start of the consideration of the application for international protection at the state border of Georgia.
10. If the Ministry fails to make a decision within the time limit determined by paragraph 9 of this article, an alien or a stateless person shall be granted the right to enter the territory of Georgia and his application for international protection shall be considered in accordance with the procedure established by Article 30(2)(a) of this Law. The Ministry shall be authorised to apply the measure provided for in by Article 9(2)(f) of this Law. In addition, if the court fails to make a decision within the period determined by paragraph 9 of this article, the court shall, based on the assessment of relevant threats, make a decision on granting an alien or a stateless person the right to enter the territory of Georgia or on applying the measure provided for by Article 9(2)(f) of this Law.
11. In the case provided for by point (d) of paragraph 3 of this article, an alien or a stateless person shall not have the right to legally stay in Georgia for the purposes of the Law of Georgia On the Legal Status of Aliens and Stateless Persons.
12. Within the framework of the consideration of an application for international protection at the state border of Georgia, the Ministry shall ensure:
- (a) the identification of the request for international protection by an alien or a stateless person;
  - (b) the provision of information to an alien or a stateless person on the procedure for considering an application for international protection at the state border of Georgia as determined by the legislation of Georgia;
  - (c) the participation of an interpreter of the relevant language within the framework of considering an application for international protection at the state border of Georgia;
  - (d) effective access to free legal aid for an alien or a stateless person, including remotely, using technical means, and if an alien or a stateless person already has a legal representative/lawyer with appropriate power of attorney, unhindered access to him;
  - (e) the creation of decent conditions for the placement of an alien or stateless person.
13. The procedure for identifying a request for international protection by an alien or stateless person at the state border of Georgia and for exchanging information between the relevant units of the Ministry shall be established by an order of the Minister.

#### **Article 34 – Representation in an asylum procedure**

1. In the course of an asylum procedure, an alien or stateless person, an asylum seeker or an internationally protected person may, at his/her own expense, enjoy the right to the services of a lawyer at the stage of administrative proceedings, and in the case provided for by Article 33 of this Law, shall also enjoy free legal aid in the course of a court dispute related to the request of an asylum seeker, to granting or terminating international protection, to the cancellation or withdrawal of the status granted to an internationally protected person, to the extension of subsidiary protection or temporary protection, or to the refusal to extend subsidiary protection or temporary protection.
2. The participation of a lawyer in the course of an asylum procedure, as well as in the course of a court dispute, shall not be mandatory. In addition, a lawyer may participate in a court dispute remotely, using technical means. The failure of a lawyer to appear at a questioning, interview or court hearing without good reason shall not prevent the questioning or interview or the consideration of the case in court.
3. The legal representative of an alien or a stateless person/asylum seeker/internationally protected person shall have the right to attend the questioning and interview, as well as a lawyer with the appropriate power of attorney (if any).
4. During the questioning of or interview with an alien or a stateless person/asylum seeker/internationally protected person, the alien or stateless person/asylum seeker/internationally protected person shall answer the questions of an authorised official. The lawyer/legal representative shall have the right to ask clarifying questions at the end of the



questioning or interview. During the questioning or interview, any other intervention by a lawyer/legal representative shall not be permitted. In case of intervention in the questioning or interview, a lawyer/legal representative must leave, and a relevant protocol thereof shall be drawn up. The reason for a lawyer/legal representative leaving the questioning or interview shall be indicated therein. The protocol shall be attached to the personal file of the alien or stateless person/asylum seeker/internationally protected person.

5. If the participation of a lawyer/legal representative hinders the course of an asylum procedure, including during the proceedings of a court dispute, the asylum procedure shall be carried out without the lawyer/legal representative.

6. If a lawyer hired by an alien or stateless person/asylum seeker/internationally protected person fails to appear at the court hearing without a reasonable excuse, the court shall consider the claim without the participation of the lawyer. In this case, a lawyer shall not be appointed at the expense of the state.

7. The provisions of paragraphs 2, 4 and 5 of this article shall not apply to an unaccompanied minor. The legal representative of an unaccompanied minor shall be present during the questioning or interview. The legal representative may ask questions or make comments during the questioning or interview within the limits determined by the authorised official.

### **Article 35 – Registration of and questionnaire for application for international protection**

1. An application for international protection shall be prepared in writing, if necessary with the assistance of an interpreter of the relevant language. The submitted application for international protection shall be registered immediately and a certificate of application for international protection shall be issued. That certificate shall not be the basis for issuing a temporary identification card and shall be valid until the decision provided for by Article 31(4) of this Law is made. If the application for international protection of family members of an alien or stateless person has the same basis, the application for international protection shall also include data on his/her family member(s).

2. The legal representative of an unaccompanied minor or a person with disabilities who needs a legal representative shall be responsible for submitting an application for international protection, acting in the best interests of an unaccompanied minor or a person with disabilities.

3. In the event of an application for international protection by an unaccompanied minor or a person with disabilities who needs a legal representative, a certificate of application for international protection shall be issued to his/her legal representative.

4. 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 alien or a stateless person in writing. In addition, an alien or stateless person shall be informed that if he/she fails twice to appear for the questionnaire or interview without a reasonable excuse or due to disregard of the notification, the asylum procedure shall be terminated.

5. An alien or a stateless person or his/her legal representative shall be obliged to inform the Migration Department of the Ministry of his/her mobile phone number, e-mail address and residential address (if any), as well as to notify the relevant contact information within 3 working days in the case of any change. If, when registering an application for international protection, an alien or stateless person does not indicate the mandatory contact information provided for by this paragraph, he/she shall be obliged to submit that information during the questionnaire. Failure to do so shall result in the asylum procedure being terminated.

6. When registering an application for international protection, the photograph of an alien or a stateless person shall be taken. The photograph of an alien or a stateless person shall be stored in a database. For the purposes of considering an application for international protection, an authorised official shall take the fingerprints and palm prints of an alien or stateless person aged 14 or over.

7. The biometric data of an alien or a stateless person referred to in paragraph 5 of this article shall be stored in the database. The procedure for taking the fingerprints and palm prints of an alien or stateless person and processing such personal data shall be established by a legal act of the Minister.

8. When submitting an application for international protection, an alien or a stateless person shall be notified in writing, in an understandable manner, in a language he/she understands, as may reasonably be considered, of the date of the questionnaire. If an alien or stateless person fails to appear after the first summons to the questionnaire, he/she shall be summoned again in accordance with the procedure established by Article 58 of this Law, except in cases where the contact information of an alien or a stateless person is unknown.

9. The purpose of conducting a questionnaire with an alien or a stateless person shall be to determine the admissibility of the application for international protection and to establish the essential circumstances related to the request for international protection, which include information on the reasons for an alien or a stateless person to leave the country of origin and the inability to return to that country, as well as other information that may determine the need to grant international protection to an alien or a stateless person.

10. In accordance with Article 31 of this Law, an interview shall be conducted with all adult family members individually, no later than 5 working days after the submission of the application for international protection. In exceptional cases, a questionnaire may be conducted with a minor family member if a minor-oriented action provided for by Article 38(2)(f) of this Law is identified.

11. To ensure the accuracy of relevant materials, the questionnaire shall be conducted in writing and recorded using a



voice recording device. The protocol and audio recording of the questionnaire shall be kept in the personal file of an alien or a stateless person. An alien or a stateless person shall be notified of the audio recording of the questionnaire immediately upon its commencement.

### **Article 36 – Burden of proof**

The obligation to establish facts related to the request for international protection shall equally be shared between an authorised official and an alien or a stateless person/asylum seeker, in particular:

- (a) an alien or a stateless person/asylum seeker shall be obliged to submit all information and evidence necessary to substantiate the request for international protection as soon as possible and to cooperate with an authorised official in the process of the assessment thereof. An alien or a stateless person/asylum seeker shall also be obliged to credibly explain the reason for the failure to submit relevant information and evidence or for the absence thereof;
- (b) an authorised official shall assist an alien or a stateless person/asylum seeker in the comprehensive provision of the necessary information and evidence related to the request for international protection by asking relevant questions concerning the request for international protection, as well as individually, objectively and impartially assess all relevant facts stated in the application for international protection, in cooperation with an alien or a stateless person/asylum seeker.

### **Article 37 – Time limits for considering an application for international protection**

1. When considering an application for international protection in the general procedure, the Ministry shall make a decision within 6 months from its registration.
2. The period determined by paragraph 1 of this article may be extended for not more than 9 months if:
  - (a) complex factual and/or legal issues have been identified that require additional examination;
  - (b) a large number of applications for international protection have been submitted to the Ministry, which complicates the consideration of a relevant application for international protection within the 6-month period.
3. After the extension of the period for considering an application for international protection determined by paragraph 1 of this article, if necessary, as an exception, and with appropriate justification, this period may be extended for not more than 3 months in order to adequately and fully consider the application for international protection.
4. The consideration of an application for international protection may be postponed if it is impossible to consider it within the period determined by paragraph 1 of this article due to the existence of a temporarily uncertain situation in the country of origin. In that case, an authorised official shall be obliged to examine current situation in the country of origin once every 6 months.
5. In the case provided for by paragraph 4 of this article, the period for consideration of an application for international protection shall not exceed 21 months, calculated from the date of the registration of the application for international protection.
6. In the event of an extension/deferral of the period for consideration of an application for international protection on the basis of paragraphs 2-4 of this article, an authorised official shall be obliged to notify an asylum seeker of the extension/deferral of the period for consideration of the application for international protection within 3 working days of the decision to extend/defer the period for consideration of the application for international protection in accordance with the procedure established by Article 58 of this Law.
7. In the event of the deferral of the consideration of an application for international protection on the basis of paragraph 4 of this article, an authorised official shall also inform an asylum seeker of the reason for the deferral of the consideration of the application for international protection. In the event of the extension of the time limit for the consideration of an application for international protection provided for by paragraphs 2 and 3 of this article, the asylum seeker shall be informed of the reason for the extension of the time limit for consideration of the application for international protection upon his/her request.
8. An application for international protection shall be considered in an expedited procedure and a decision shall be made within 1 month of its registration.
9. An application for international protection submitted by a person who is the subject of an expulsion procedure from Georgia shall be considered and a decision shall be made within 1 month of its registration.
10. The application for international protection submitted by a person subject to extradition shall be considered and a decision shall be made within 1 month from the receipt of the extradition documentation.
11. The application for international protection submitted by a person with special needs as provided for by this Law, as well as the application for international protection in the event of an explicit justification of the existence of circumstances determined by Articles 15 and 19 of the same Law, shall be considered as a priority.

### **Article 38 – Persecution and serious harm**

1. For the purposes of Article 15 of this Law, an act shall be deemed persecution if:
  - (a) it is sufficiently serious by its nature or repetition as to constitute a gross violation of fundamental human rights, in particular those rights which may not be restricted in accordance with Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms;



(b) it is a combination of various acts (including human rights violations) that are sufficiently severe and have a similar impact on the person as the act provided for by point (a) of this paragraph.

2. Persecution as provided for by paragraph 1 of this article may be expressed in the following form(s):

(a) by an act of physical violence (including sexual violence) or psychological violence;

(b) by a legal, administrative and/or judicial act or measure that is itself discriminatory or is carried out/will be carried out in a discriminatory manner;

(c) by criminal prosecution or punishment that is disproportionate or discriminatory;

(d) by the refusal of a court to restore a violated right, which results in a disproportionate or discriminatory punishment;

(e) by criminal prosecution or punishment for refusing to perform military service during an armed conflict, where the military service involved crimes and acts which, in accordance with Article 18 of this Law, constitute grounds for excluding a person from refugee status;

(f) by acts that are by their nature related to sexual orientation, gender or minors.

3. For the purposes of Article 19 of this Law, serious harm is:

(a) a death sentence imposed on a person or the threat of his/her death sentence;

(b) the torture or inhuman or degrading treatment or punishment of a person in the country of origin;

(c) a serious, individual threat to the life or physical integrity of a civilian caused by indiscriminate violence in an international or internal armed conflict.

### **Article 39 – Entity/entities carrying out persecution and causing serious harm**

An entity/entities carrying out persecution and causing serious harm may be:

(a) a state;

(b) a group or organisation that controls the entire territory of a state or a significant part of its territory;

(c) a non-state entity/entities, if the entities determined by points (a) and (b) of this article (including international organisations) are unable or unwilling to protect a person from persecution or serious harm as provided for by Article 38 of this Law.

### **Article 40 – Entity providing protection**

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

(a) a state. In addition, a state must be willing and able to effectively and sustainably protect a person from persecution or serious harm;

(b) a group or organisation that controls the entire territory of a state or a significant part of its territory. In addition, that group or organisation must be willing and able to effectively and sustainably protect a person from persecution or serious harm.

2. The protection of a person from persecution or serious harm shall be efficient and shall not be temporary. Such protection is ensured when the entities referred to in paragraph 1 of this article take reasonable measures to prevent persecution or serious harm, including by establishing an effective legal system to identify persecution or serious harm, conduct criminal prosecution and punish. Ensuring the protection of a person from persecution or serious harm also includes the availability of such protection to him/her.

### **Article 41 – Interview with an asylum seeker**

1. When considering an application for international protection in the general procedure, an interview shall be conducted with an asylum seeker, except for the cases provided for by Article 47(4) of this Law.

2. An asylum seeker shall be interviewed upon his/her substantiated request, if such an opportunity exists, by an authorised official of the gender of his/her choice, and he/she shall benefit from the services of an interpreter of the gender of his/her choice, except for the cases when an authorised official has reason to assume that the said request is based on circumstances that are not related to difficulties in the ability of a person to present the grounds for his/her application for international protection without hindrance.

3. The interview shall be conducted individually, with all adult family members. In exceptional cases, an interview may be conducted with a minor family member by an authorised official with appropriate specialisation, if a minor-oriented action provided for by Article 38(2)(f) of this Law is observed. An individual interview with an asylum seeker, as a rule, shall be conducted in the absence of family members.

4. During the interview, an asylum seeker shall be given an opportunity to explain the circumstances that may be missing from his/her application for international protection and/or be irrelevant/contradictory, as well as to explain the inconsistencies/contradictions between the facts provided by him/her and relevant information received from other sources (including information on the country of origin).

5. To ensure the accuracy of relevant materials, the interview shall be documented in writing and recorded using a voice recording device. The protocol of an interview and audio recording shall be kept in the personal file of an asylum seeker. An alien or a stateless person shall be notified of the audio recording of the interview immediately upon its commencement.



#### **Article 42 – Considering and assessing an application for international protection**

1. The application for international protection shall be considered individually and the essential facts indicated in the submitted application for international protection shall be assessed, relating to the identity of an alien or a stateless person/asylum seeker, the country of origin, travel documents, travel itinerary, the grounds for the application for international protection and the original documentation submitted in relation to this ground.
2. The following circumstances shall be taken into account when assessing an application for international protection:
  - (a) information available at the time of making a decision on the application for international protection regarding the country of origin (including the legislation of the country of origin, regulatory norms existing in the country of origin and methods of the enforcement thereof);
  - (b) statements and documentation submitted by an alien or a stateless person/asylum seeker as to whether he/she has been a victim of persecution or serious harm in the past or will be in the future;
  - (c) the individual situation and circumstances of an alien or a stateless person/asylum seeker (including origin, gender and age) in order to assess the extent to which the action to which an alien or a stateless person/asylum seeker has been or may be subjected on the basis of his/her personal circumstances may constitute persecution or serious harm;
  - (d) whether the actions of an alien or a stateless person/asylum seeker after leaving the country of origin were solely or mainly aimed at establishing grounds for an application for international protection, in order to assess whether these actions would expose him/her to a risk of persecution or serious harm if returned to the country of origin.
3. The fact that an alien or stateless person/asylum seeker has been persecuted in the past, or has suffered serious harm, or has been directly threatened with persecution or serious harm, shall be a significant factor in establishing a well-founded fear of persecution or a real risk of serious harm, unless there are reasonable grounds to believe that such persecution or serious harm will not recur.
4. When assessing a well-founded fear of the persecution of an alien or a stateless person/asylum seeker or a real risk of serious harm, an authorised official shall rely on the circumstances that arose in the country of origin immediately before or after an alien or a stateless person/asylum seeker left that country.
5. If the individual circumstances indicated in the application for international protection are not substantiated by relevant documents or other evidence, such circumstances shall not need to be proven if the following circumstances are met:
  - (a) an alien or a stateless person/asylum seeker has used all means at his/her disposal to substantiate the request for international protection;
  - (b) an alien or a stateless person/asylum seeker has submitted all information relevant to the consideration of the case, while sufficiently explaining the absence of other relevant information;
  - (c) the information submitted by an alien or a stateless person/asylum seeker is consistent, convincing and does not contradict the information available about the country of origin;
  - (d) an alien or a stateless person/asylum seeker has requested international protection as soon as such an opportunity arose, unless he/she has indicated a reason impeding the request for international protection;
  - (e) the general reliability of the information submitted by an alien or a stateless person/asylum seeker has been established.

#### **Article 43 – Obtaining and examining information and essential evidence related to the application for international protection**

1. An authorised official shall obtain the information and available substantial evidence necessary to assess the application for international protection.
2. In the process of considering and deciding on an application for international protection, both the information and documentary evidence obtained by an authorised official, as well as the information and documentary evidence submitted by an alien or a stateless person/asylum seeker in the original form (if any), shall be assessed.
3. An authorised official shall assess the information obtained on the country of origin.
4. After a decision of the Ministry on granting or refusing to grant international protection to an alien or a stateless person/asylum seeker has been delivered, upon the request of the alien or a stateless person/asylum seeker or his/her legal representative or a lawyer with the appropriate power of attorney, an authorised official shall be obliged to provide the information and documentation obtained in connection with the application for international protection in accordance with the legislation of Georgia.

#### **Article 44 – Consideration of an application for international protection of an unaccompanied minor**

1. The application for international protection of an unaccompanied minor shall be considered in accordance with the procedure provided for by this Law, taking into account the best interests of the minor.
2. An interview with an unaccompanied minor shall be conducted in the presence of his/her legal representative, as well as in the presence of a lawyer with the appropriate power of attorney (if any).
3. An interview with an unaccompanied minor shall be conducted by an authorised official who has the necessary specialisation to interview the minor.
4. When carrying out an asylum procedure, an authorised official shall take into account the age and abilities (including



the level of development, perception and communication skills) of an unaccompanied minor.

#### **Article 45 – Discussion of the issue of granting derived status**

1. An internationally protected person shall apply to the Migration Department of the Ministry with a written application to initiate the procedure for granting derived status to his/her family member.
2. An internationally protected person shall attach to the application provided for by paragraph 1 of this article documentation confirming family relationships (if any).
3. Based on the principle of family unity, the right of a family member of an internationally protected person to obtain derived status may be established after the asylum seeker has been granted international protection.
4. An interview for granting derived status shall be conducted with all adult members of the family of an internationally protected person.
5. An authorised official shall examine the documentation submitted for that purpose (if any), and relevant circumstances during the asylum procedure to establish a family relationship.
6. The original document confirming the fact of family membership (if any) shall be presented at the interview conducted for granting derived status to confirm a family relationship.
7. If an internationally protected person applies to the Migration Department of the Ministry with an application for granting derived status to his/her family member, an authorised official shall consider the issue of granting derived status within 1 month.

#### **Article 46 – Considering an application for international protection of an alleged victim of torture, inhuman or degrading treatment or violence**

An alien or a stateless person/asylum seeker who claims to be a victim of torture, inhuman or degrading treatment or violence, or who shows signs of being such a victim, shall have access to appropriate medical and psychological assistance prior to the consideration of his/her application for international protection.

#### **Article 47 – Considering an application for international protection of an alien or a stateless person/asylum seeker with psychological or mental/intellectual disorders**

1. If there is a reasonable doubt that an alien or a stateless person/asylum seeker has psychological or mental/intellectual disorders, the Ministry shall, if necessary, immediately apply to the guardianship and custody body determined by the legislation of Georgia, based on the psychosocial needs of the alien or a stateless person/asylum seeker, for the purpose of conducting an examination and appointing a support person for him/her in accordance with the procedure established by the legislation of Georgia.
2. The consideration of an application for international protection of an alien or a stateless person/asylum seeker with severe psychological or mental/intellectual disorders shall be suspended until a support person is appointed for him/her. During this period, the alien or stateless person/asylum seeker shall enjoy the rights provided for by this Law for asylum seekers.
3. The questionnaire and interview with an alien or a stateless person/asylum seeker referred to in paragraph 1 of this article shall be conducted by an authorised official who has undergone special training, and if necessary, a specialist in the relevant field shall also participate in the questionnaire and interview.
4. An interview with an alien or a stateless person/asylum seeker may not be conducted if, for reasons beyond his/her control, he/she is unable to provide adequate information to an authorised official. In this case, the decision on international protection shall be made on the basis of other information and documentation obtained through the procedures provided for by this Law.

#### **Article 48 – Withdrawal of an application for international protection**

1. An application for international protection may be withdrawn at any stage of its consideration upon a written application by an alien or a stateless person/asylum seeker, his/her legal representative or a lawyer with appropriate power of attorney.
2. An authorised official shall inform an alien or a stateless person/asylum seeker in writing, in a understandable manner, in a language he/she understands, as may be reasonably considered, of the legal consequences of the withdrawal of the application for international protection, and a relevant protocol shall be drawn up thereon. The protocol shall be signed by an authorised official, an interpreter and the alien or stateless person/asylum seeker, his/her legal representative or a lawyer with appropriate power of attorney.
3. On the basis of the withdrawal of the application for international protection, an authorised official shall make a decision to terminate the consideration of the application for international protection within 7 working days from the signing of the relevant protocol by an alien or a stateless person/asylum seeker. The alien or stateless person/asylum seeker shall be served with the decision (in Georgian, as well as translated into a language he/she understands) in writing, in accordance with the procedure established by Article 58 of this Law, within 3 working days, with an indication of the procedure for appealing to a court established by the same Law.
4. An alien or a stateless person/asylum seeker, after submitting an application for the withdrawal of the application for



international protection, shall be obliged to submit to the Ministry a certificate of application for international protection/temporary identification card and to leave Georgia within the period determined by the legislation of Georgia if there is no other legal basis for his/her stay in Georgia.

5. After a decision on the termination of the consideration of the application for international protection is delivered to an alien or a stateless person in accordance with the procedure established by Article 58 of this Law, he/she shall have the right to submit to the Migration Department of the Ministry a repeated application for international protection only if there are new circumstances in his/her case that have become known to him/her after the withdrawal of the application for international protection. In the event of submitting a repeated application for international protection, an alien or a stateless person shall indicate the relevant reasons for withdrawing the application for international protection and reapplying. A repeated application for international protection shall be considered in accordance with the procedure established by Article 52 of this Law.

6. In the event of the withdrawal of an application for international protection, including an appeal in court against a decision to terminate the consideration of an application for international protection in accordance with the procedure established by this Law, an alien or a stateless person shall not be considered an asylum seeker from the moment of the delivery of the decision to terminate the consideration of the application for international protection in accordance with the procedure established by Article 58 of this Law. Accordingly, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and from the moment of the delivery of the said decision to an alien or a stateless person, his/her expulsion or extradition from Georgia shall be permitted.

7. In the event of an appeal to a court of a decision (individual administrative act) as provided for by paragraph 6 of this article, an alien or a stateless person shall not enjoy the rights established by Article 66 of this Law, including the right to free legal aid in the course of a court dispute determined by points (e) and (l) of paragraph 1 of the same article and the right to exemption from the payment of state fees.

#### **Article 49 – Termination of an asylum procedure**

1. An asylum procedure shall be terminated if an alien or a stateless person/asylum seeker:

- (a) withdraws his/her application for international protection in accordance with Article 48 of this Law;
- (b) fails to cooperate with the Ministry;
- (c) fails to provide the Migration Department of the Ministry/court with the mandatory contact information;
- (d) fails to provide the Migration Department of the Ministry/court with the relevant contact information within 3 working days in case of a change;
- (e) fails to appear for the questionnaire or interview twice without good reason;
- (f) fails to appear for the interview in the case provided for by Article 52(2) of this Law;
- (g) fails to appear at the Migration Department of the Ministry within the period determined by Article 26(6) of this Law and/or fails to provide the Migration Department of the Ministry with the mandatory contact information;
- (h) in the event of release from a penitentiary institution, fails to appear at the Ministry within the period determined by Article 27(1)(c) or (7) of this Law and/or fails to provide the mandatory contact information to the Ministry;
- (i) fails to provide the mandatory contact information provided for by Article 35(5) of this Law when submitting the application for international protection or during the questionnaire;
- (j) leaves Georgia;
- (k) dies.

2. In the event of the existence of circumstances as determined by point (k) of paragraph 1 of this Article, the asylum procedure shall also be terminated during legal proceedings related to the request for, granting, termination, cancellation or withdrawal of international protection, an extension of subsidiary protection or temporary protection or a refusal to extend subsidiary protection or temporary protection.

3. The decision of the Ministry on the termination of the asylum procedure shall be served on an alien or a stateless person in accordance with the procedure established by Article 58 of this Law.

4. In the event of the termination of the consideration of an application for international protection on any of the grounds specified in paragraph 1 of this Article, an alien or a stateless person shall not be considered an asylum seeker from the date of the delivery of the decision on the termination of the asylum procedure to him/her in accordance with the procedure established by Article 58 of this Law. Accordingly, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and from the moment of the delivery of the said decision to an alien or a stateless person, his/her expulsion or extradition from Georgia shall be permitted.

5. In the event of an appeal to the court of a decision (individual administrative act) provided for by paragraph 4 of this article, an alien or a stateless person shall not enjoy the rights established by Article 66 of this Law, including the right to free legal aid in the course of a court dispute determined by points (e) and (l) of paragraph 1 of the same article and the right to exemption from the payment of state fees.

#### **Article 50 – Decision on granting refugee status or subsidiary protection to an asylum seeker and/or on refusing to grant refugee status or subsidiary protection**

1. An authorised official shall substantiate in writing the grounds for granting refugee status or subsidiary protection to an



asylum seeker or for refusing to grant refugee status or subsidiary protection to an asylum seeker.

2. The decision on granting refugee status or subsidiary protection to an asylum seeker or refusing to grant refugee status or subsidiary protection to an asylum seeker shall be served on him/her (in the Georgian language, as well as translated into a language he/she understands) in accordance with the procedure established by Article 58 of this Law, with an indication of the procedure for appealing to a court established by this Law.

3. If the application for international protection of the family members of an alien or a stateless person/asylum seeker has the same grounds, or a family member is added during the asylum procedure (including a court proceeding), the decision on international protection, including a court decision that has entered into legal force, shall also apply to the family member(s) of the alien or stateless person/asylum seeker, except for cases where a relevant ground provided for by Articles 17, 18, 20 or 21 of this Law exist. If necessary, an interview shall be conducted with the persons specified in this paragraph to establish a family relationship.

4. A decision on granting refugee status or subsidiary protection to an asylum seeker and/or on refusing to grant refugee status or subsidiary protection shall be based on the essential factual circumstances of a case and relevant evidence.

5. After a decision of the Ministry on the refusal to grant refugee status or subsidiary protection to an asylum seeker enters into legal force, or in the event of an appeal of the said decision to a court in accordance with the procedure established by this Law, after the decision of the court on the refusal to grant refugee status or subsidiary protection enters into legal force, the alien or stateless person shall be obliged to leave Georgia in accordance with the procedure established by the Law of Georgia On the Legal Status of Aliens and Stateless Persons if there is no other legal basis for his/her stay in Georgia.

#### **Article 51 – Decision on an extension of subsidiary protection or on a refusal to extend subsidiary protection**

1. An authorised official shall make a decision on an extension of subsidiary protection or a refusal to extend subsidiary protection based on the relevant materials of the case, taking into account circumstances existing at the time of making the decision.

2. If the circumstances due to which a person was granted subsidiary protection no longer exist, he/she shall be refused an extension of subsidiary protection.

3. A decision of the Ministry on an extension of subsidiary protection or a refusal to extend subsidiary protection shall be delivered to a person under subsidiary protection in accordance with the procedure established by Article 58 of this Law.

4. Until the completion of the procedure for an extension of subsidiary protection or a refusal to extend subsidiary protection, including until the relevant court decision enters into legal force, a person under subsidiary protection shall have all the rights and obligations related to his/her status.

#### **Article 52 – Repeated application for international protection and procedural guarantees**

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

(a) there have been changes in the country of origin that may give rise to his/her need for international protection;

(b) there are new factual circumstances that were not considered when assessing circumstances indicated in the previous application for international protection and the failure to provide information on those circumstances was not his/her fault, and which may give rise to his/her need for international protection.

2. An authorised official shall be obliged to examine, study and assess the explanations and new circumstances indicated in a repeated application for international protection of an alien or a stateless person in advance, so that his/her return to the country of origin does not violate the principle of non-refoulement established by Article 8 of this Law and the fundamental human rights recognised by international law. In order to determine the existence of any of the grounds provided for by paragraph 1 of this article and/or the circumstances specified in Article 16(2) of this Law, an interview with the alien or stateless person shall be conducted, if necessary, within the framework of the preliminary examination of the repeated application for international protection. In the event that the alien or stateless person fails to appear for the interview without a reasonable excuse, the Ministry shall make a decision to terminate the asylum procedure.

3. If, during the preliminary examination of a repeated application for international protection, it is established that it does not meet the criteria specified in paragraph 1 of this article, the Ministry shall issue an individual administrative act on the inadmissibility of the repeated application for international protection no later than 10 calendar days after the registration of the repeated application for international protection, without any consideration on merits. The decision (in Georgian, as well as translated into a language he/she understands) shall be served on the alien or stateless person in accordance with the procedure established by Article 58 of this Law, with an indication of the procedure for appealing to a court established by this Law.

4. If a repeated application for international protection meets the criteria specified in paragraph 1 of this article, the Ministry shall, no later than 10 calendar days after its registration, make a decision on the admissibility of the repeated application for international protection, and an individual administrative act shall be issued thereon. In this case, the alien or stateless person shall be considered an asylum seeker from the moment of the delivery of the said act to him/her.



5. It shall not be permissible to expel or extradite an alien or a stateless person from Georgia to the country of origin from the moment of his/her first submission of a repeated application for international protection until the first individual administrative act of the Ministry provided for by paragraph 3 or 4 of this article is served on him/her.
6. After the individual administrative act provided for by paragraph 3 of this article is delivered to an alien or a stateless person, as well as in the event of his/her appeal of that act in court, the alien or stateless person shall not be considered an asylum seeker, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and his/her expulsion or extradition from Georgia shall be permitted from the moment of the delivery of the said act to him/her. If, after the issuance of the first individual administrative act of the Ministry provided for by paragraph 3 of this article, an alien or a stateless person submits again a repeated application for international protection, he/she shall not be considered an asylum seeker, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and his/her expulsion or extradition from Georgia shall be permitted.
7. In the event of an appeal in court against an individual administrative act provided for by paragraph 3 of this article, an alien or a stateless person shall not enjoy the rights established by Article 66 of this Law, including the right to free legal aid in the course of a court dispute determined by points (e) and (l) of paragraph 1 of the same article and the right to exemption from the payment of state fees.

### **Article 53 – Family reunion**

1. In order to initiate a family reunion procedure with a family member/family members residing outside Georgia, a refugee or a person under subsidiary protection shall apply to the Migration Department of the Ministry with a written application for family reunion.
2. A refugee or a person under subsidiary protection shall attach to an application for family reunion all possible evidence confirming the family relationship of the family member/family members (if any).
3. An official authorised to establish a family relationship shall individually, within 1 month, consider the application for family reunion and the attached evidence (if any). If necessary, an interview shall be conducted to establish a family relationship.
4. If a family relationship is established, an authorised official shall, as necessary, apply to the Ministry of Foreign Affairs of Georgia for the issuance of a Georgian visa to the family member/family members of a refugee or a person under subsidiary protection.
5. Taking into account the principle of family unity, a family member of a refugee or a person under subsidiary protection, upon entering the territory of Georgia and submitting a relevant application to the Migration Department of the Ministry, shall be granted the same form of international protection as the refugee or a person under subsidiary protection.
6. In the case provided for by paragraph 5 of this article, the family member of the refugee or person under subsidiary protection shall submit a relevant application to the Migration Department of the Ministry within 30 calendar days from the date of entry into the territory of Georgia. If the family member of the refugee or person under subsidiary protection fails to observe that deadline without a reasonable excuse, the Ministry shall issue an individual administrative act on the refusal to accept the application for international protection for processing.
7. A refugee or a person under subsidiary protection may be refused family reunion if there are relevant grounds provided for by Articles 17, 18, 20 or 21 of this Law in respect of his/her family member(s).

### **Article 54 – Family reunion in respect of an unaccompanied minor**

1. After granting refugee status or subsidiary protection to an unaccompanied minor in accordance with the procedure established by this Law, his/her guardian/supporter shall determine the best interests of that minor.
2. Pursuant to paragraph 1 of this article, if a refugee or unaccompanied minor under subsidiary protection consents, an authorised official shall initiate the family reunion procedure.
3. The guardian/supporter of the minor shall submit an application for the family reunion in respect of a refugee or unaccompanied minor under subsidiary protection to the Migration Department of the Ministry. He/she shall attach to the said application all possible evidence confirming the family relationship of a family member/family members with the minor (if any) and a conclusion on determining the best interests of the minor.
4. An official authorised to establish the family relationship shall individually, within 1 month, consider the application for family reunion and the attached evidence (if any).
5. If a family relationship is established, an authorised official shall, as necessary, apply to the Ministry of Foreign Affairs of Georgia for the issuance of a Georgian visa to the family member(s) of a refugee or unaccompanied minor under subsidiary protection.
6. Taking into account the principle of family unity, the family member of a refugee or unaccompanied minor under subsidiary protection shall be granted the same form of international protection as that granted to this person upon entering the territory of Georgia and applying to the Migration Department of the Ministry with a relevant application.
7. In the case provided for by paragraph 6 of this article, the family member of a refugee or an unaccompanied minor



under subsidiary protection shall submit a relevant application to the Migration Department of the Ministry within 30 calendar days from the date of entry into the territory of Georgia. If the family member of a refugee or an unaccompanied minor under subsidiary protection fails to observe that deadline without a reasonable excuse, the Ministry shall issue an individual administrative act on the refusal to accept the application for international protection for processing.

8. A refugee or an unaccompanied minor under subsidiary protection may be refused family reunion if there are relevant grounds provided for by Articles 17, 18, 20 or 21 of this Law in respect of his/her family member.

#### **Article 55 – Appealing a decision of the Ministry**

1. Any decision taken by the Ministry on the basis of this Law may be appealed to a court in accordance with the procedure established by Article 58 of this Law within 10 calendar days from its delivery, except for the cases provided for by Articles 31 and 33 of the same Law.

2. Prior to the entry into force of a court decision, an asylum seeker/person with international protection shall enjoy the rights and guarantees provided for by this Law and shall be subject to the obligations specified by the same Law.

3. If an alien or a stateless person/asylum seeker withdraws a claim/appeal, in the event of an appeal against a court decision on the above issue and/or a re-appeal to the court regarding the issue of international protection, the alien or stateless person shall not be considered an asylum seeker, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and his/her extradition to a foreign state or expulsion from Georgia shall be permissible.

4. After the expiry of the period specified in the first paragraph of this article, the relevant decision shall enter into legal force. In the event of an appeal of the said decision to a court in violation of this period, the alien or a stateless person shall not be considered an asylum seeker, the principle of non-refoulement established by Article 8 of this Law shall not apply to him/her, and his/her extradition to a foreign state or expulsion from Georgia shall be permitted.

#### **Article 56 – Submission of an application for refugee status by a person under subsidiary protection**

1. A person under subsidiary protection shall have the right to submit an application to grant refugee status individually if the legal basis for granting refugee status and the factual circumstances provided for by Article 15 of this Law arise after granting subsidiary protection to him/her, taking into account the circumstances specified in Article 16 of the same Law. During the period of the consideration of the said application, the person under subsidiary protection shall enjoy the rights provided for by this Law for a person under subsidiary protection and shall be subject to the obligations specified in the same Law.

2. The application to grant refugee status provided for by this article shall be considered in accordance with the procedure established by Article 30 of this Law.

#### **Article 57 – Legal guarantees for an unaccompanied minor under temporary protection**

In order to ensure legal guarantees for an unaccompanied minor under temporary protection:

(a) he/she shall be identified immediately;

(b) his/her application for international protection shall be registered immediately;

(c) a guardian/caregiver/supporter shall be appointed within 10 working days in accordance with the procedure established by the legislation of Georgia;

(d) he/she shall be resettled taking into account his/her best interests, and he/she shall be provided with assistance in finding his/her parents and relatives.

#### **Article 58 – Procedure for communicating with an alien or a stateless person, an asylum seeker or an internationally protected person and delivering a decision of the Ministry to him/her**

1. Communication with an alien or a stateless person, an asylum seeker or an internationally protected person shall be carried out by posting a relevant notification on the relevant website of the Ministry. Any decision taken by the Ministry on the basis of this Law shall be deemed to have been delivered to an alien or a stateless person, an asylum seeker or an internationally protected person on the day following the day of posting such decision on the relevant website of the Ministry. Information on the posting of the said notification or decision on the relevant website of the Ministry shall be sent to an alien or a stateless person, an asylum seeker or an internationally protected person in a language that he/she understands or which is understandable to him/her, as may be reasonably considered, in the form of a short text message to the mobile phone number last indicated by him/her.

2. An alien or a stateless person, an asylum seeker or an internationally protected person shall be obliged to:

(a) keep the username and password provided to him/her;

(b) immediately apply to the Ministry to restore the username and/or password, in case of loss of the username and/or password or inability to log in to the relevant website of the Ministry;

(c) access the notification and/or decision using the username and password, after receiving information about the posting of the notification and/or decision on the relevant website of the Ministry, in the form of a short text message.

3. The requirements specified in paragraph 1 of this article regarding the posting of the notification and decision on the relevant website of the Ministry shall not apply to an alien or a stateless person, an asylum seeker or an internationally protected person who has requested international protection in a penitentiary institution or temporary accommodation



centre and who is in the same institution or centre at the time of making the said decision. If an alien or a stateless person, an asylum seeker or an internationally protected person is in a penitentiary institution, the relevant notification and/or decision shall be sent through the electronic document management system to the Special Penitentiary Service, a state sub-agency within the system of the Ministry of Justice of Georgia, to deliver it to him/her. If an alien or stateless person, asylum seeker or an internationally protected person is in a temporary accommodation centre, the appropriate notification and/or decision shall be delivered to him/her personally, which he/she shall confirm by signature.

4. In the cases provided for by Article 49(1)(c) and (f)-(i) of this Law, the decision on termination of the asylum procedure shall enter into force within 15 days from the date of its adoption.

5. If an internationally protected person leaves Georgia, a decision on the termination, cancellation or withdrawal of the status granted to him/her, as well as a decision on an extension of subsidiary protection or temporary protection or a refusal to extend subsidiary protection or temporary protection, shall be posted on the relevant website of the Ministry. The decision provided for by this paragraph shall also be sent to an internationally protected person to the e-mail address specified by him/her. If an internationally protected person fails to submit information about his/her e-mail address to the Ministry, a decision as provided for by this paragraph shall enter into force within 15 days from its adoption.

6. The Minister shall establish the procedure for posting a notification and a decision as provided for by paragraph 1 of this article on the relevant website of the Ministry.

#### **Article 59 – Procedure for serving court decisions, rulings and judicial summon on a person**

1. Within the framework of a court dispute related to the application, granting, termination, cancellation or withdrawal of international protection, as well as an extension of subsidiary protection or temporary protection or a refusal to extend subsidiary protection or temporary protection, a court decision, ruling or judicial summons shall be served on a person in accordance with the procedure established by Article 58(1) of this Law.

2. A court decision, ruling or judicial summons as provided for by paragraph 1 of this article shall be served on a person only in the Georgian language.

3. Any decision or ruling or judicial summons adopted by a court on the basis of this Law shall be deemed to have been served on a person from the day following the date of the posting of such decision or ruling or judicial summons on the relevant website of the Ministry.

4. For the purposes provided for by this article, the relevant database of the Ministry shall be accessible to the authorised persons of a court.

### **Chapter VI**

#### **Termination, revocation or withdrawal of refugee status, subsidiary protection or temporary protection**

#### **Article 60 – Grounds for terminating refugee status**

1. Refugee status may be terminated if a person:

(a) has obtained the citizenship of Georgia;

(b) has voluntarily availed himself/herself of the protection of his/her country of origin;

(c) has voluntarily reacquired the citizenship of the country of origin after losing it;

(d) has acquired the citizenship of another country and enjoys the protection of that country;

(e) has voluntarily established himself/herself in the country he/she left or outside of which he/she was present due to the fear of persecution;

(f) cannot refuse the protection of the country of origin because the circumstances in which he/she was granted refugee status no longer exist;

(g) has applied to the Migration Department of the Ministry with an application for the termination of his/her refugee status;

(h) has crossed the state border of Georgia and 1 month has passed since the expiration of his/her residence permit;

(i) has died.

2. Point (f) of paragraph 1 of this Article shall not apply to a refugee if, taking into account his/her previous persecution in the country of origin, he/she can submit information on a well-founded reason for refusing to avail himself/herself of the protection of that country.

3. The termination of the refugee status granted to a person shall be grounds for the revocation of the residence permit and travel document of a refugee issued to him/her.

#### **Article 61 – Grounds for the termination of subsidiary protection or temporary protection**

1. The subsidiary protection or temporary protection of a person shall be terminated if a person:

(a) has acquired the citizenship of Georgia;

(d) has acquired the citizenship of another country and enjoys the protection of that country;

(c) has voluntarily established himself in the country he/she left or outside of which he/she was present due to the serious harm;

(d) cannot refuse the protection of the country of origin because the circumstances in which he/she was granted



- subsidiary protection or temporary protection no longer exist;
- (e) has voluntarily availed himself/herself of the protection of his/her country of origin;
  - (f) has voluntarily reacquired the citizenship of the country of origin after losing it;
  - (g) has been granted refugee status;
  - (h) has applied to the Migration Department of the Ministry with an application for the termination of his/her subsidiary protection or temporary protection;
  - (i) has crossed the state border of Georgia and 1 month has passed since the expiration of his/her residence permit;
  - (j) has died.
2. The provisions of point (d) of paragraph 1 of this article shall not apply to a person under subsidiary protection if, taking into account the serious harm suffered in the country of origin, he/she can provide information on a well-founded reason for refusing to benefit from the protection of that country.
3. The termination of subsidiary protection or temporary protection granted to a person shall, accordingly, constitute grounds for the revocation of the residence permit and travel passport issued to a person under subsidiary protection and the temporary residence permit issued to a person under temporary protection.

#### **Article 62 – Grounds for the revocation or withdrawal of international protection**

1. The international protection of a person shall be revoked if it is found that he/she did not meet the requirements of Articles 15, 19 or 22 of this Law and/or he/she has submitted incorrect information and/or false documentation, and in particular:
- (a) the submission of incorrect information and/or false documentation by the person had a decisive impact on the granting of international protection to him/her;
  - (b) new circumstances have emerged indicating that the person should not have enjoyed international protection;
  - (c) the person has been recognised by a competent authority of another country of residence as having rights and obligations associated with the possession of the citizenship of that country, and, accordingly, he/she was not in need of international protection;
  - (d) there are sufficient grounds to assume that the person has committed an act provided for by Articles 18, 21 or 24 of this Law.
2. A person shall be deprived of international protection if, after receiving international protection, he/she is convicted in Georgia of committing an intentional grave or especially grave crime or a family crime, poses a threat to public security and public order, or there are sufficient grounds to assume that he/she will pose a threat to the state security, territorial integrity or public security and public order of Georgia.
3. The revocation or deprivation of international protection of a person shall be the basis for the cancellation of the residence permit and travel document of a refugee/travel passport issued to him/her.

#### **Article 63 – Procedure for termination, revocation or withdrawal of the international protection of a person, as well as for an extension of or a refusal to extend subsidiary protection**

1. The procedure for the termination, revocation or withdrawal of the international protection of a person, as well as for an extension of or a refusal to extend subsidiary protection, shall be initiated by the Migration Department of the Ministry.
2. An authorised official shall notify an internationally protected person in a language that he/she understands or in a language that he/she can reasonably be expected to understand, of the initiation of the procedure for termination, revocation or withdrawal of the international protection granted to him/her, as well as for an extension of or a refusal to extend subsidiary protection.
3. In the cases provided for by Article 60(1)(b)-(f) and Article 61(1)(b)-(f) of this Law, an authorised official shall ensure that an individual interview is held with an adult internationally protected person within 15 calendar days from the commencement of the procedure for the termination, revocation or withdrawal of the international protection granted to him/her, as well as the extension or refusal to extend the subsidiary protection, in order to give the said person the opportunity to submit information and explanations regarding the circumstances on the basis of which the procedure for the termination, revocation or withdrawal of the international protection granted to him/her, as well as the extension or refusal to extend the subsidiary protection, was initiated, as well as to submit other information substantiating the need for the extension of the relevant status for this person.
4. If an internationally protected person is not present in Georgia, or cannot be contacted in accordance with the procedure established by Article 58 of this Law, or if he/she fails to appear for an interview, the international protection granted to him/her shall be terminated, revoked or withdrawn, as well as the extension of subsidiary protection or the refusal to extend it, shall be based on the information available to the Migration Department of the Ministry.
5. If an alien or a stateless person reports to the Migration Department of the Ministry within 1 month from the date of a decision of the Migration Department of the Ministry to terminate, revoke or withdraw the international protection granted to him/her, as well as a decision to extend subsidiary protection or refuse to extend it, and submits information as to a valid reason for his/her failure to appear, after investigating the said reason, an authorised official may make a decision to declare the relevant decision made on the basis of paragraph 4 of this article invalid and to schedule an



interview.

6. The interview shall be conducted in accordance with the procedure established by Article 41 of this Law.

7. During the interview on the issue of the termination, revocation or withdrawal of international protection of a person, as well as the issue of an extension of or a refusal to extend subsidiary protection, an authorised official shall assess both the information obtained that substantiates the legality of the termination, revocation or withdrawal of the status granted to that person, as well as the extension or refusal to extend subsidiary protection, and also the information and evidence submitted by the said person (if any).

8. Until the completion of the procedure for the termination, revocation or withdrawal of international protection of a person, as well as the procedure for an extension of or a refusal to extend subsidiary protection, including until a court decision enters into legal force, the person shall have all the rights and obligations related to the relevant status.

9. The period of the procedure provided for by paragraph 1 or 5 of this article shall not exceed 1 month.

#### **Article 64 – Decision on the termination, revocation or withdrawal of the international protection of a person, as well as on an extension or a refusal to extend subsidiary protection**

1. A decision on the termination, revocation or withdrawal of the international protection of a person, as well as on an extension of or a refusal to extend subsidiary protection, shall be served on him/her (in Georgian language, as well as translated into a language he/she understands) in accordance with the procedure established by Article 58 of this Law, with an indication of the procedure for appealing to a court established by this Law.

2. After a decision of the Ministry on the termination, revocation or withdrawal of the international protection of a person, as well as on an extension or a refusal to extend subsidiary protection, enters into legal force, and/or in the event of an appeal of the said decision to the court in accordance with the procedure established by this Law, after the decision of the court on the termination, revocation or withdrawal of the international protection of a person, as well as on an extension or a refusal to extend subsidiary protection, shall be obliged to leave Georgia in accordance with the procedure established by the Law of Georgia On the Legal Status of Aliens and Stateless Persons if there is no other legal basis for his/her stay in Georgia.

3. In the case of a failure to fulfil the obligation provided for by paragraph 2 of this article, the issue of the expulsion of an alien or a stateless person from Georgia shall be regulated in accordance with the Law of Georgia On the Legal Status of Aliens and Stateless Persons.

#### **Article 65 – Termination, revocation or withdrawal of derived status**

1. The termination, revocation or withdrawal of the status granted to a person enjoying refugee status or subsidiary protection shall result in the termination, revocation or withdrawal of the derived status granted to his/her family member, except in cases where the said family member meets the requirements determined by Articles 15 or 19 of this Law. The issue of the termination, revocation or withdrawal of the derived status granted to a family member shall be considered individually by an authorised official, in accordance with the procedure established by a normative act of the Minister.

2. A refugee or a person under subsidiary protection as referred to in paragraph 1 of this article, whose family member has had his/her derived status terminated, revoked or withdrawn, shall be served with the relevant decision in accordance with the procedure established by Article 58 of this Law.

### **Chapter VII**

#### **Rights and Obligations of an Asylum Seeker, Refugee and a Person under Subsidiary and Temporary Protection**

#### **Article 66 – Rights of an asylum seeker**

1. An asylum seeker shall have the right:

(a) not to be extradited or expelled from Georgia directly or indirectly to the country of origin during the asylum procedure;

(b) to receive information about his/her rights and obligations and the asylum procedure;

(c) to be interviewed, upon his/her substantiated request, by an authorised official of the gender of his/her choice, if such an opportunity exists, and to use the services of an interpreter of the gender of his/her choice;

(d) to use the free services of an interpreter during the asylum procedure;

(e) to enjoy the right to free legal aid in the course of a court dispute related to an application for, and the granting, termination, revocation or withdrawal of international protection, as well as an extension or a refusal to extend subsidiary protection or temporary protection;

(f) to stay in a reception centre during the consideration of an application for international protection on merits by the Migration Department of the Ministry, in accordance with this Law and the order of the Minister, except for the case when he/she is in a penitentiary institution, a temporary detention centre of the Ministry or a temporary detention cell and/or a temporary detention centre of the State Security Service of Georgia;

(g) where an application for international protection is declared admissible, to receive the certificate of an asylum seeker, and on the basis of this certificate, a temporary identification card. A temporary identification card shall not be issued



- where an asylum seeker is in a penitentiary institution or a temporary detention centre of the Ministry;
- (h) where an application for international protection is declared admissible by the Migration Department of the Ministry, to be provided with social and economic and living conditions within the framework established by the legislation of Georgia;
- (i) to enjoy the right to receive preschool and general education, as well as the right to receive vocational education and higher education, in accordance with the procedure established by the legislation of Georgia;
- (j) to enjoy state health care programs like the citizens of Georgia, except for exceptional cases determined by the legislation of Georgia;
- (k) to voluntarily withdraw an application for international protection;
- (l) to be exempt from paying state fees in court proceedings related to a request for, granting, termination, revocation or withdrawal of international protection, as well as an extension of subsidiary protection or temporary protection or a refusal to extend subsidiary protection or temporary protection;
- (m) to enjoy the right to work in accordance with the legislation of Georgia, in particular, to be employed independently or through another employer;
- (n) to enjoy the right to apply to administrative bodies and courts, in accordance with the procedure established by the legislation of Georgia;
- (o) to be informed about the possibility of contacting the Office of the United Nations High Commissioner for Refugees;
- (p) to enjoy the rights granted to aliens and stateless persons by the legislation of Georgia, unless otherwise provided for by this Law.
2. If an alien or a stateless person is not considered to be an asylum seeker, the rights provided for by this article shall not apply to him/her.

### **Article 67 – Duties of an asylum seeker**

An asylum seeker shall be obliged:

- (a) to observe the Constitution of Georgia, this Law and other legislative and subordinate acts of Georgia, and to respect local culture, traditions and customs;
- (b) not to leave Georgia during the asylum procedure, including during judicial proceedings related to an application for or granting of international protection;
- (c) to submit, as soon as possible, all information, evidence and the originals of available documents necessary to substantiate an application for international protection and to cooperate with an authorised official in the process of their assessment, as well as to credibly explain the reasons for the failure to submit information and evidence or the absence thereof;
- (d) to tell the truth and cooperate with the Migration Department of the Ministry in order to fully establish all relevant circumstances indicated in his/her application for international protection;
- (e) to explain any inconsistencies identified during the asylum procedure;
- (f) to submit and hand over identification documents, including travel documents (if any), to an authorised official;
- (g) to notify the Migration Department of the Ministry of the change in the circumstances indicated in the application for international protection in relation to the request for international protection;
- (h) to inform the authorised official of the Migration Department of the Ministry of the mobile phone number, e-mail address and the actual address of residence (if any), and to notify the Migration Department of the Ministry of a change in mobile phone number, e-mail address and the actual address of residence, change in legal or civil status, as well as about the loss or damage of an identification document issued by the relevant state agency responsible for the implementation of this Law within 3 working days;
- (i) no later than 30 calendar days before the expiration of the residence permit, to apply to the Ministry with a request for the issuance of a relevant certificate and, on the basis thereof, request the issuance of a new residence permit from the Public Service Development Agency ('the Public Services Development Agency'), a legal entity under public law within the governance of the Ministry of Justice of Georgia, and in case of its loss or damage, immediately apply to the Ministry with a request for the issuance of a relevant certificate and request a new residence permit from the Public Service Development Agency;
- (j) to take a photograph, take fingerprints and palm prints, and, if requested by an authorised official, undergo an appropriate medical examination in accordance with the procedure established by the legislation of Georgia;
- (k) in the case of placement in a reception centre, to comply with the internal regulations of the reception centre;
- (l) to leave Georgia in accordance with the procedure established by the Law of Georgia On the Legal Status of Aliens and Stateless Persons after a decision of the Ministry on the refusal to grant refugee status, subsidiary protection or temporary protection enters into legal force if there is no other legal basis for his/her stay in Georgia;
- (m) to leave the reception centre within 10 days of a decision of the Ministry on granting refugee status or subsidiary protection or on the refusal to grant refugee status or subsidiary protection.

### **Article 68 – Rights of refugees and persons under subsidiary protection**

1. A refugee and a person under subsidiary protection shall have the right to:



- (a) be informed about the form of international protection (status) granted to him/her by this Law, as well as the rights and obligations arising from the said status;
  - (b) obtain a temporary residence permit and a certificate on granting refugee status or subsidiary protection;
  - (c) freely choose a place of residence and move within the territory of Georgia, except for exceptional cases arising from the need to protect the state security, public safety and public health of Georgia;
  - (d) register civil acts in accordance with the procedure established by the legislation of Georgia;
  - (e) stay in a reception centre for 10 days after being granted refugee status or subsidiary protection;
  - (f) receive a monthly allowance determined by the legislation of Georgia from the month following the month of submission of a written request and residence permit;
  - (g) in accordance with the Organic Law of Georgia On Citizenship of Georgia, apply to the Public Service Development Agency to obtain the citizenship of Georgia through naturalisation;
  - (h) travel to another country (except the country of origin) in compliance with the deadlines defined by Article 60(1)(h), Article 61(1)(i) and Article 70(2)(a) of this Law;
  - (i) enjoy the right to receive preschool education and general education like a citizen of Georgia, as well as the right to receive vocational education and higher education, as well as the procedures for the recognition of documents certifying education and qualifications obtained in another country, in accordance with the procedure established by the legislation of Georgia;
  - (j) enjoy the health care and social state programs like the citizens of Georgia, except for exceptional cases as determined by the legislation of Georgia;
  - (k) enjoy the right to work like the citizens of Georgia, in particular, to be employed independently or through another employer;
  - (l) enjoy the right to family reunion;
  - (m) enjoy the right to apply to administrative bodies and courts, in accordance with the procedure established by the legislation of Georgia;
  - (n) enjoy the rights granted to aliens and stateless persons in accordance with the legislation of Georgia, unless otherwise established by this Law;
  - (o) after a decision of the Ministry to terminate, revoke or withdraw refugee status or subsidiary protection or to refuse to extend subsidiary protection, as well as, in the event of an appeal of the said decision to the court in accordance with the procedure established by this Law, after the court decision enters into legal force, reclaim the travel document/passport handed over to the Ministry.
2. Upon an application by the Ministry, a refugee shall be issued a temporary residence permit for a period of 3 years and a refugee travel document determined by Articles 27 and 28 of the 1951 UN Convention Relating to the Status of Refugees.
  3. Upon an application by the Ministry, a person under subsidiary protection shall be issued a temporary residence permit for the period of the validity of his/her status, and a travel passport.
  4. The forms and procedures for issuing a refugee travel document and travel passport shall be determined by the Minister of Justice of Georgia.

#### **Article 69 – Obligations of refugees and persons under subsidiary protection**

A refugee and a person under subsidiary protection shall be obliged to:

- (a) observe the Constitution of Georgia, this Law and other legislative and subordinate acts of Georgia, and respect local culture, traditions and customs;
- (b) within 3 working days after the occurrence of the relevant circumstances, notify the Migration Department of the Ministry or the court in writing about a change of mobile phone number, e-mail address and the actual place of residence, as well as about a change of legal or civil status;
- (c) no later than 30 calendar days before the expiration of the residence permit, to apply to the Ministry with a request for the issuance of a relevant certificate and, on the basis thereof, request the issuance of a new residence permit from the Public Service Development Agency, and in the case of its loss or damage, immediately apply to the Ministry with a request for the issuance of a relevant certificate and request a new residence permit from the Public Service Development Agency;
- (d) leave a reception centre within 10 days after being granted refugee status or subsidiary protection.

#### **Article 70 – Social and economic guarantees of a refugee or a person under subsidiary protection**

1. Issues related to the social and economic guarantees of a refugee or a person under subsidiary protection shall be regulated with the participation of the state agencies responsible for the implementation of this Law, in accordance with the legislation of Georgia. The Ministry shall coordinate the activities of the state agencies responsible for the implementation of this Law in the field of assistance to refugees and persons under subsidiary protection.
2. The issuance of the monthly allowance provided for by Article 68(1)(f) of this Law shall be suspended if a refugee or a person under subsidiary protection:
  - (a) leaves Georgia for more than 1 month;



(b) is in a penitentiary institution based on a court decision that has entered into legal force;

(c) refuses to receive the monthly allowance by personal application.

3. A monthly allowance suspended on the basis of paragraph 2 of this article shall be reinstated if the grounds for its suspension are eliminated, from the month following the month of the submission of a personal application by the refugee or person under subsidiary protection.

4. A monthly allowance suspended as provided for by paragraph 2 of this article shall not be reimbursed during the entire period of its suspension.

5. A refugee or a person under subsidiary protection shall be granted a monthly allowance in accordance with the procedure established by this Law.

#### **Article 71 – Rights of a person under temporary protection**

A person under subsidiary protection shall have the right to:

(a) be informed about the form of international protection (status) granted to him/her by this Law, as well as the rights and obligations arising from the said status;

(b) receive a certificate of temporary protection and a temporary residence permit for the period of the validity of temporary protection granted to him/her;

(c) receive medical services in accordance with the procedure established by the legislation of Georgia and in the cases provided for by the legislation of Georgia;

(d) enjoy the right to receive preschool education and general education, as well as the right to receive vocational education and higher education, as well as the right to the procedures for the recognition of documents certifying education and qualifications obtained in another country, in accordance with the procedure established by the legislation of Georgia;

(e) enjoy the right to apply to administrative bodies and courts, in accordance with the procedure established by the legislation of Georgia;

(f) enjoy the rights granted to aliens and stateless persons in accordance with the legislation of Georgia, unless otherwise established by this Law;

(g) be provided with food and shelter or a relevant cash allowance in accordance with the procedures established by an order of the Minister.

#### **Article 72 – Obligations of a person under temporary protection**

A person under temporary protection shall be obliged to:

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

(b) within 3 working days after the occurrence of the relevant circumstances, notify the Migration Department of the Ministry or the court in writing about a change of mobile phone number, e-mail address and the actual place of residence, as well as about a change of legal or civil status;

(c) cooperate with authorised officials;

(d) to have his/her photograph, fingerprints and palm prints taken, and, if requested by an authorised official, undergo an appropriate medical examination;

(e) no later than 30 calendar days before the expiration of the residence permit, to apply to the Ministry with a request for the issuance of a relevant certificate and, on the basis thereof, request the issuance of a new residence permit from the Public Service Development Agency, and in case of its loss or damage, immediately apply to the Ministry with a request for the issuance of a relevant certificate and request a new residence permit from the Public Service Development Agency.

#### **Article 73 – Reimbursement of expenses related to the measures of international protection**

The expenses related to the measures of international protection provided for by this Law shall be reimbursed by the state agencies responsible for the implementation of this Law, within the limits of the appropriations allocated to them by the State Budget of Georgia.

### **Chapter VIII**

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

#### **Article 74 – Repatriation of internationally protected persons**

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

(a) a repatriation shall be voluntary and it shall be carried out by the 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 receive available information on the situation in the country of his/her origin and on the possible consequences of his/her return to the country.



## **Article 75 – Local integration of internationally protected persons**

The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall develop programmes for the local integration of internationally protected persons, together with the state agencies and/or competent agencies responsible for the enforcement of this Law, and shall facilitate their participation in such programmes.

## **Chapter IX Personal Data Processing**

### **Article 76 – Personal data processing**

1. Personal data, including the data of special category, shall be processed in accordance with the Law of Georgia On Personal Data Protection.

2. Personal data processed on the basis of this Law shall be deleted and/or destroyed:

(a) after the expiry of the period determined by the relevant subordinate act from the date of entry into force of a decision of the Ministry on the refusal to grant refugee status, subsidiary protection or temporary protection to an alien or stateless person;

(b) after the expiry of the period determined by the relevant subordinate act from the date of entry into force of a decision of the Ministry on the termination, revocation or withdrawal of refugee status, subsidiary protection or temporary protection or a refusal to extend subsidiary protection or temporary protection.

## **Chapter X Powers and Duties of Administrative Bodies. International Cooperation**

### **Article 77 – The Ministry**

1. The Ministry shall ensure the implementation of the right to international protection determined by this Law.

2. To implement the powers granted by this Law, the Ministry shall:

(a) identify an alien or stateless person/asylum seeker and determine the appropriateness of granting him/her international protection;

(b) if necessary, apply to the State Security Service of Georgia for a recommendation on the issue of a potential threat to the state security of Georgia posed by an alien or a stateless person, an asylum seeker, a refugee or person under subsidiary protection;

(c) if a request for international protection is identified, explain the asylum procedure and the rights and obligations of an asylum seeker to an alien or a stateless person in a language that he/she understands or in a language that he/she can reasonably be expected to understand;

(d) if an alien or a stateless person requests international protection, ensure their reception at the state border of Georgia and non-refoulement in compliance with the principle of non-refoulement established by Article 8 of this Law;

(e) conduct an initial interview with an alien or a stateless person at the state border of Georgia to identify a request for international protection;

(f) if an alien or a stateless person requests international protection, accept their application for international protection, regardless of whether they have a travel document or other identification document. If an alien or a stateless person does not have a travel document or other identification document, an application for international protection shall be filed based on the information provided by them;

(g) if necessary, apply to the State Security Service of Georgia for assistance in identifying an alien or a stateless person/asylum seeker, if the Ministry is unable to identify them by itself;

(h) share data on asylum seekers and internationally protected persons with the Public Service Development Agency for the purpose of issuing them with a temporary identification card and residence permit; provide the Public Service Development Agency with information on the refusal to grant an asylum seeker the status provided for by this Law, the termination of the asylum procedure, the termination, revocation or withdrawal of the status granted to an internationally protected person, as well as on the refusal to extend subsidiary protection or temporary protection for the purpose of the revocation of a temporary identification card, a temporary residence permit and a refugee travel document or a travel passport of a person under subsidiary protection;

(i) cooperate with state agencies and international organisations responsible for the implementation of this Law, including the Office of the United Nations High Commissioner for Refugees in Georgia, in order to ensure the protection of the rights of asylum seekers and internationally protected persons;

(j) upon request, provide the Office of the United Nations High Commissioner for Refugees in Georgia with information on aliens or stateless persons/asylum seekers and internationally protected persons;

(k) administer the database;

(l) reimburse the costs of relevant medical examinations conducted for asylum seekers and persons under temporary protection upon the request of an authorised official;



(m) exercise other powers determined by this Law.

3. The Minister shall be authorised to issue relevant legal acts in accordance with the procedure established by the legislation of Georgia regarding issues assigned to the powers of the Ministry by this Law.

### **Article 78 – State Security Service of Georgia**

1. The State Security Service of Georgia, upon an application of the Ministry, within the scope of its competence, shall identify an alien or a stateless person/asylum seeker and provide the Ministry with a recommendation on the potential threat to the state security of Georgia posed by an alien or a stateless person, an asylum seeker or internationally protected person.

2. The potential threat to the state security of Georgia provided for by paragraph 1 of this article shall imply a case where there are sufficient grounds to assume that an alien or a stateless person/an asylum seeker or internationally protected person has connections with:

(a) the armed forces of a country/organisation hostile to the defence and security of Georgia;

(b) the intelligence services of another country;

(c) terrorist and/or extremist organisations;

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

3. Information on the circumstances determined by paragraphs 1 and 2 of this article shall be provided to the Ministry in such a form that the interests of protecting state secrets or the state security of Georgia and/or public safety are not harmed.

### **Article 79 – Public Service Development Agency**

The Public Service Development Agency shall:

(a) based on a certificate issued by the Ministry to an asylum seeker, in accordance with the legislation of Georgia, issue a temporary identification card to the asylum seeker, and a temporary residence card to an internationally protected person;

(b) in accordance with the legislation of Georgia, issue a travel document or a travel passport to a refugee or person under subsidiary protection, respectively;

(c) based on the application of an asylum seeker or internationally protected person, ensure the registration of civil acts and issue a relevant certificate in accordance with the procedure established by the legislation of Georgia;

(d) in order to efficiently implement the asylum procedure and ensure social and economic guarantees for an internationally protected person, share information with the Ministry regarding the issuance of a temporary identification card, temporary residence permit or travel document/passport to an asylum seeker or internationally protected person, on the possession/acquisition of citizenship of Georgia by him/her, as well as on the fact of his/her death.

### **Article 80 – Prosecutor’s Office of Georgia**

1. Upon the implementation of an extradition procedure, the Prosecutor’s Office of Georgia or, upon the instruction of a prosecutor, an authorised official of a body detaining an alien or a stateless person, shall be obliged to immediately provide the person against whom the extradition procedure is carried out, in accordance with Article 26 of this Law, in a language that he/she understands or in a language that he/she can reasonably be expected to understand, with information on the right to request international protection and the time limit for exercising that right.

2. The Prosecutor’s Office of Georgia shall provide the Ministry with the extradition documentation of the person referred to in paragraph 1 of this article.

### **Article 81 – State sub-agency within the system of the Ministry of Justice of Georgia – the Special Penitentiary Institution**

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

(a) upon the placement in a penitentiary institution of an alien or a stateless person as provided for by Article 27 of this Law, no later than on the 2nd working day, provide the alien or stateless person with the information provided for by paragraph 1 of the same article and send the relevant documentation to the Ministry within 3 working days;

(b) explain to an alien or a stateless person the obligation to appear at the Ministry within 5 working days upon release from a penitentiary institution, to provide information on the mobile phone number, e-mail address and address of residence (if any), and the consequences of a failure to comply with this obligation;

(c) no later than 2 weeks before the expiration of the sentence, and in the case of release on other grounds, no later than 3 working days after the release, notify the Ministry of the date of the release of an asylum seeker or an internationally protected person who is in a penitentiary institution, as well as an alien or a stateless person who has requested international protection;

(d) in accordance with the procedure established by the legislation of Georgia, organise meetings in a penitentiary institution between an authorised official/authorised officials and asylum seekers or internationally protected persons, as well as aliens or stateless persons who have requested international protection;



(e) upon a relevant request, in accordance with the procedure established by the legislation of Georgia, ensure that copies of the documents of an asylum seeker, as well as of an alien or a stateless person who has requested international protection, including a travel document (if any), are sent to an authorised official/authorised officials;

(f) provide the Ministry with information on an asylum seeker or an internationally protected person held in a penitentiary institution, as well as on an alien or a stateless person who has requested international protection, including fingerprint data.

#### **Article 82 – Ministry of Foreign Affairs of Georgia**

The Ministry of Foreign Affairs of Georgia shall:

(a) upon the request of the Ministry, provide it with the information necessary to make a relevant decision on the issue of international protection, taking into account Article 5 of this Law;

(b) upon the request of the Ministry, in accordance with Articles 53 and 54 of this Law, issue a Georgian visa in accordance with the procedure established by the legislation of Georgia to a family member(s) of an internationally protected person or an internationally protected unaccompanied minor who wishes to depart for Georgia;

(c) upon the request of the Ministry, within the scope of its competence, with the assistance of a relevant diplomatic mission or consular office, facilitate the voluntary repatriation of a refugee or a person under subsidiary protection.

#### **Article 83 – 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 of the rights provided for by Article 66(1)(j), Article 68(1)(j) and Article 71(c) of this Law by an asylum seeker or an internationally protected person;

(b) upon the request of the Ministry, provide a guardian/caregiver/supporter to an unaccompanied minor or a person with disabilities who needs a legal representative, as well as place a minor taking into account the best interests of the minor;

(c) develop programmes for the local integration of internationally protected persons, together with the state agencies and/or competent agencies responsible for the enforcement of this Law, and facilitate their participation in such programmes.

#### **Article 84 – The Ministry of Education, Science and Youth of Georgia**

The Ministry of Education, Science and Youth 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 determined by an order of the Minister of Education, Science and Youth of Georgia;

(b) ensure the exercise of the rights provided for by Article 66(1)(i), Article 68(1)(i) and Article 71(d) of this Law by an asylum seeker and an internationally protected person;

(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 provided for by Article 66(1)(i), Article 68(1)(i) and Article 71(d) of this Law;

(d) cooperate with the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia on matters related to local integration.

#### **Article 85 – Legal Entity under Public Law: the Legal Aid Service**

The Legal Entity under Public Law called the Legal Aid Service shall, in accordance with the procedure established by the legislation of Georgia, provide free legal assistance to an alien or a stateless person/asylum seeker or an internationally protected person in court proceedings related to the request, granting, termination, revocation or withdrawal of international protection, as well as an extension of subsidiary protection or temporary protection or a refusal to extend subsidiary protection or temporary protection.

#### **Article 86 – Cooperation of the Ministry with other countries and international organisations**

1. The Ministry shall cooperate with other countries, the UNHCR and international organisations regarding 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.



## **Article 87 – Measures to be implemented with regard to the entry into force of this Law**

1. By 1 January 2025, the Minister shall:

- (a) establish the procedure for the detention and placement of an alien or a stateless person/an asylum seeker in a temporary accommodation centre;
- (b) if an alien or a stateless person requests international protection in the relevant institution of the system of the Ministry, establish the procedure for exchanging information between the relevant units of the Ministry;
- (c) establish the procedure for identifying a request for international protection by an alien or stateless person at the state border of Georgia and for exchanging information between the relevant units of the Ministry;
- (d) ensure the implementation of appropriate measures to create decent conditions for the placement of an alien or a stateless person at the border checkpoints of Georgia;
- (e) issue other relevant orders necessary for the implementation of this Law and for the compliance of relevant subordinate acts with this Law.

2. Until 1 October 2025, the Minister and the Minister of Justice of Georgia shall establish the procedure and form of the explanation of information to a relevant accused or convicted alien or stateless person in a penitentiary institution on his/her possible expulsion from Georgia, the possibility of requesting international protection, as well as the procedure for exchanging information between the Ministry and the penitentiary institution.

3. Until 1 December 2025, a penitentiary institution shall ensure that an accused or convicted alien or stateless person placed in the said penitentiary institution before 1 October 2025 is provided with information on his/her possible expulsion from Georgia after serving his/her sentence or after being released from serving his/her sentence on any other grounds, as well as information on the possibility of requesting international protection, and relevant obligations.

4. An alien or stateless person who has been granted humanitarian status before 1 October 2025 shall retain that status for the same period for which he/she was granted the said status under the legislation of Georgia.

5. If a person who entered Georgia before 1 October 2025 does not submit an application for international protection within 30 days from 1 October 2025 his/her application shall be considered in an expedited manner, in accordance with this Law.

6. In accordance with this Law, before the adoption/issuance of appropriate legal acts, the relevant legal acts adopted/issued before the entry into force of this Law shall retain their legal force.

## **Article 88 – Invalidated normative acts**

The Law of Georgia on International Protection of 1 December 2016 shall be declared invalid (the Legislative Herald of Georgia, ([www.matsne.gov.ge](http://www.matsne.gov.ge)), 15.12.2016, registration code: 010170000.05.001.018235).

## **Article 89 – Entry into force of this Law**

1. This Law, except for Articles 1-86, Article 87(4) and (5), and Article 88, shall enter into force upon its promulgation.
2. Articles 1-86, Article 87(4) and (5), and Article 88 of this Law shall enter into force on 1 October 2025.

**President of Georgia**

**Mikheil Kavelashvili**

**Tbilisi,**

**26 June 2025**

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