

## LAW OF GEORGIA

### ON REFUGEE AND HUMANITARIAN STATUS

This Law is based on the Constitution of Georgia, and universally recognised principles and norms of international law, including the United Nations Convention relating to the Status of Refugees 1951, and the 1967 Protocol on Status of Refugees, and serves the fulfilment of international commitments undertaken by Georgia in the field of refugee and human rights law.

This Law defines the legal status, rights and obligations, and legal guarantees of asylum seekers, and refugee or humanitarian status holders in Georgia, and the social and economic guarantees of refugee or humanitarian status holders, and the grounds and procedures for granting, terminating and cancelling refugee or humanitarian status.

#### Chapter I - General Provisions

##### Article 1 - Definition of terms

For the purposes of this Law the terms used in this Law shall have the following meaning:

- a) seeking asylum – the expression of a will by a person before the government of Georgia to have legal protection on the basis of this Law;
- b) an application – a written application requesting asylum, filed with the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, with the purpose of being granted refugee or humanitarian status;
- c) an asylum-seeker – a person who has requested legal protection on the basis of this Law through the granting of refugee or humanitarian status;
- d) a refugee status holder – a person who has been granted refugee status under Article 2 of this Law;
- e) a humanitarian status holder – a person who has been granted humanitarian status under Article 4 of this Law;
- f) the Ministry - the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia;
- g) a reception centre – a place of temporary accommodation for asylum-seekers;
- h) a certificate - a document certifying that a person is an asylum-seeker, the form of which, and the rules of its issuance and amendment, shall be determined by the Ministry;
- i) minors left without parental care – alien or stateless minors, who have entered Georgia alone, without being accompanied by a legal guardian or adult(s) responsible for them, and who at the time of filing an application have no guardianship or are not under custody; or minors who, after entering Georgia, were identified as being unaccompanied by a legal guardian or adult(s) responsible for them;
- j) a family member – a spouse of a refugee or humanitarian status holder, a child under the age of 18, a dependent adult child, a recipient of support or elderly parents (of retirement age), or other persons under guardianship, or custody, or other dependants;
- k) a family reunion – the legal entry into Georgia of the family members of refugee or humanitarian status holders in order to maintain family unity;
- l) the country of origin – the country of citizenship or permanent residence of an asylum-seeker, or a refugee status holder or humanitarian status holder.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*

*Law of Georgia No 3348 of 20 March 2015 - website, 31.3.2015*

#### Chapter II - Granting Refugee And Humanitarian Status

##### Article 2 - Granting refugee status

Refugee status shall be granted to a person who is not a citizen of Georgia or to a stateless person permanently residing in Georgia, or to a person who is in Georgia and has a reasonable fear that he/she may become a victim of persecution on the basis of race, religion, denomination, ethnicity, or for belonging to a particular social group, or for political opinions, and, because of such fear, can not or does not want to return to his/her country of origin or to enjoy the protection of such country.



### **Article 3 - Grounds for refusing to grant refugee status**

1. Refugee status shall not be granted to a person who:

- a) has committed a crime against peace, a war crime or a crime against humanity, as determined in relevant international acts;
- b) has committed a serious non-political crime outside of Georgia before being granted refugee status;
- c) has been proven to have acted against the goals and principles of the UN;
- d) does not require legal protection under paragraph (d) of Article 1 of the United Nations Convention relating to the Status of Refugees 1951;
- e) in relation to whom there are reasonable grounds for believing that he/she may create a threat to state security and/or to the territorial integrity and public order of Georgia;
- f) has been convicted by a legally enforceable court decision of committing a particularly serious crime;
- g) has been proven to have acted against Georgia and has committed a criminal offence during a previous visit to Georgia;
- h) has left the country of origin for economic reasons, or because of an epidemic, or a natural or man-made emergency.

2. Refugee status may not be granted to a person who:

- a) is recognised as a refugee in another country and continues to enjoy the effective legal protection of that country, unless he/she has proven otherwise;
- b) holds a travel document issued by another country, determined by Article 28 of the United Nations Convention relating to the Status of Refugees 1951;
- c) has initiated the procedure for granting refugee status in another state which is a signatory to the United Nations Convention relating to the Status of Refugees 1951, and is eligible to continue such procedure.

3. A person who is a citizen of two or more countries shall not be granted refugee status if the person may benefit from the protection of one of such countries.

### **Article 4 - Granting humanitarian status**

1. Humanitarian status shall be granted to a person who is not a citizen of Georgia, or is a stateless person permanently residing in Georgia, or who does not comply with the requirements provided for by Article 2 of this Law, and who:

- a) was forced to leave the country of origin due to violence, external aggression, occupation, internal conflicts, mass violations of human rights or serious violations of public order;
- b) may not be forcibly returned to the country of origin and may not travel to another country for legal reasons, in particular the international responsibilities undertaken by Georgia, (provided for by Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (prohibition of torture and inhuman or degrading treatment or punishment, and/or other international agreements relating to the protection of human rights and prohibiting refoulement);
- c) may face serious life threatening conditions and/or a violation of his/her rights if he/she returns to the country of origin.

2. Humanitarian status may also be granted to a person who is not a citizen of Georgia, or a stateless person permanently residing in Georgia, and who:

- a) was forced to move to Georgia, but is not entitled to refugee status under the law of Georgia on Internally Displaced Persons – Persecuted from Occupied Territories of Georgia;
- b) has entered Georgia from a neighbouring country of origin as a result of a natural disaster;
- c) is in need of other justified humanitarian assistance.

3. Humanitarian status shall not be granted to a person if he/she meets the requirements listed in paragraph 1 of Article 3 of this Law, or if his/her presence in Georgia conflicts with the interests of Georgia, or because of other significant circumstances.

4. Humanitarian status shall be granted to a person for a period of one year and may be extended if the grounds for granting such status still exist.

### **Article 5 - Mass entry**

Where the circumstances provided for by Article 2 and Article 4 of this Law do not exist, during a mass entry into Georgia of persons who are not citizens of Georgia, the Ministry shall make a decision on granting refugee or humanitarian status taking into consideration the general situation in the country of origin of such persons.

### **Article 6 - Protection of family members of refugee or humanitarian status holders**



1. A family member of a refugee status holder shall be granted refugee status, if he/she does not individually comply with the criteria provided for by Article 2 of this Law and does not contravene the requirements of Article 3(1) of this Law.

2. A family member of a humanitarian status holder shall be granted humanitarian status, if he/she does not individually comply with the criteria provided for by Article 4 of this Law and does not contravene the requirements of paragraph (1) of Article 3 of this Law, and his/her presence in Georgia does not conflict with the interests of the country because of other significant circumstances.

#### **Article 7 - Family reunion**

1. A refugee status holder shall be granted the right to family reunification within one year after submitting an application.

2. A humanitarian status holder may be given the right to family reunification. This right shall be exercised if within one year after receiving humanitarian status, a family reunification can not be undertaken and nor is it possible to be undertaken in another country.

3. A person shall be refused family reunification if his/her family member(s) meets the requirements provided for by paragraph (1) of Article 3 of this Law;

4. After entry into Georgia a family member of a refugee or humanitarian status holder shall be subject to Article 6 of this Law.

#### **Article 8 - Custody/guardianship of minors**

1. Information about a minor family member who has entered Georgia with an adult shall be included in the application of one of the parents, and in the case of the absence of the parents, in the application of a guardian/caregiver, or one of the adult family members or another relative.

2. If a minor has entered Georgia alone, the Ministry shall immediately make a written request to the appropriate body of guardianship and custody in order to appoint a guardian/caregiver to the unaccompanied minor as long as he/she remains in Georgia. An application for refugee or humanitarian status, including all the circumstances of the case and taking into account the best interests of the minor, shall be submitted by the appointed guardian/caregiver of the minor according to the legislation of Georgia.

3. The body of guardianship and custody, in the appointment of a guardian / caregiver to an unaccompanied Minor, shall take measures as soon as possible, in accordance with the legislation of Georgia. The procedure for granting unaccompanied minors refugee or humanitarian status shall be carried out taking into account their age, development level and mental state, and taking into consideration the fact that the unaccompanied minor may have little information on the real situation in their country of origin.

#### **Article 9 - Transferring responsibility for a refugee to Georgia**

1. An alien or stateless person who has been granted refugee status by a state who is a signatory to the United Nations Convention relating to the Status of Refugees 1951 shall also be considered as a refugee status holder in accordance with this Law, if he/she has been issued a residence permit in Georgia for not less than two years.

2. A temporary residence permit shall be issued to persons specified in paragraph 1 of this article on the basis of a written request from the Ministry.

3. The persons specified in paragraph 1 of this article shall not be eligible for the social and economic guarantees provided for by this Law.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.03.2014*

### **Chapter III - Procedure for Granting Refugee or Humanitarian Status**

#### **Article 10 - Procedure for granting refugee or humanitarian status**

The procedure for granting refugee or humanitarian status shall include:

a) the submission of an application;

b) the registration of a person as an asylum-seeker and the profiling of an asylum-seeker;

c) the issuance of an asylum-seeker certificate and a temporary identification card;

d) the consideration of an application and the making of a decision on granting refugee or humanitarian status, or on the refusal to grant refugee or humanitarian status to a person;

e) the issuance of a temporary residence permit to the refugee or humanitarian status holder, or the submission to the Ministry of the decision on the refusal to grant refugee or humanitarian status.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*

*Law of Georgia No 4062 of 17 July 2015 – website, 29.7.2015*



## **Article 11 - Seeking asylum**

1. Seeking asylum is based on the wish of a person, expressed directly or indirectly, orally or in writing, to seek legal protection in Georgia for the reasons determined in Article 2 or Article 4 of this Law.
2. Where a person has illegally crossed the Georgian border, the person is obliged to inform the first available state body within 24 hours.
3. If circumstances beyond the control of a person hinder the person from timely informing a state body within 24 hours, the said time limit may be extended by not more than the period that such circumstances still exist.
4. A request for asylum received by a state authority shall be recorded in writing, and a copy shall be sent to the Ministry within 3 days, and handed to a duly authorised person.
5. Where refugee status is sought by a person who is in Georgia lawfully, he/she shall submit an application in person to the Ministry.

## **Article 12 - Registration of a person as asylum-seeker and profiling of asylum-seeker**

1. The Ministry shall, at the time of submitting an application, register a person as an asylum-seeker and issue an asylum-seeker certificate to the asylum-seeker and his/her family members. A certificate of minor shall be given to the legal representative of a minor.
2. The Ministry, within 10 days after filing an application, shall conduct an interview with the asylum-seeker according to the established questionnaire. The applicant shall be notified about the date of the interview on the day of submitting an application.
3. The registration of a person as an asylum-seeker shall be the basis for granting rights to and imposing responsibilities on an asylum-seeker and his/her family members as provided for by Article 18 of this Law.
4. A temporary identification card shall be issued to an asylum-seeker for one year in accordance with the procedure provided for by the legislation of Georgia.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*

*Law of Georgia No 4062 of 17 July 2015 – website, 29.7.2015*

## **Article 13 - (Deleted)**

*Law of Georgia No 4062 of 17 July 2015 – website, 29.7.2015*

## **Article 14 - Revision of application and making a decision**

1. The Ministry shall review an application within 6 months from the moment of its registration. The Ministry may extend the revision period for no more than 3 months, of which the asylum-seeker shall be notified in writing.
2. The Ministry shall conduct an interview with an asylum-seeker within 5 months from the date of the registration of an application. The asylum-seeker shall be notified about the appointment of the interview 3 days before the interview by written notification to the address provided in the application. If the asylum-seeker, ignores the notification without a justified excuse, and does not attend the interview on two occasions, the Ministry shall stop the revision of the application. Where possible, the asylum seeker shall be interviewed by a representative of the Ministry of the same gender, and shall be provided with the services of a qualified interpreter of the same gender. Additional interviews shall be allowed for the verification of facts provided by asylum-seekers.
3. The structural unit of the Ministry shall prepare a conclusion on granting asylum, or the refusal to grant asylum, which shall be based on the following:
  - a) a profile of the asylum-seeker;
  - b) an interview with the asylum-seeker;
  - c) analysis of the veracity of the information and facts provided by the asylum-seeker, and the credibility of his/her behaviour;
  - d) verification of the information provided by the asylum-seeker and his/her accompanying family members;
  - e) information on the country of origin of the asylum-seeker;
  - f) the results of a comprehensive consideration of circumstances conducted to determine the reason(s) for the asylum-seeker leaving the country of origin, and/or his/her transit via a third country, and/or his/her entering Georgia and/or staying in Georgia.
4. On the basis of the conclusion on granting refugee status or refusing to grant refugee status, the Ministry shall decide whether the asylum-seeker meets the requirements provided for by Article 2 of this Law. If the asylum-seeker does not meet the requirements provided for by Article 2 of this Law, the Ministry shall consider whether the asylum seeker meets the requirements provided for by Article 4 of this Law. If the asylum-seeker does not meet either the requirements provided for by Article 2 or by Article 4 of this Law, the Ministry shall refuse to grant refugee or humanitarian status to



him/her.

5. An asylum-seeker who has been granted humanitarian status may submit a new application for refugee status if, since the granting of humanitarian status, the circumstances of his/her case have changed materially, and thereby make him/her eligible to request refugee status.

5<sup>1</sup>. Granting refugee or humanitarian status to persons, or refusing to grant refugee or humanitarian status to persons, shall cause the cancellation of their temporary identity cards.

6. A temporary residence permit shall be issued to refugee or humanitarian status holders in accordance with the procedure provided for by the legislation of Georgia.

7. A temporary residence permit shall be issued to humanitarian status holders for the period of validity of the humanitarian status and in the case of an extension to the status, the renewed permit shall be issued, and to the refugee status holders - for a period of 3 years

8. If the Ministry makes a decision to refuse to grant refugee or humanitarian status, the decision shall be handed to the asylum-seeker or sent within 3 days to the address provided in the application, stating the reasons for refusal and the procedure for appealing the decision.

9. The decision to refuse to grant refugee or humanitarian status may be appealed to the court in accordance with the procedure provided for by the legislation of Georgia. The applicant shall have the rights and guarantees provided for by Article 18 and Article 21 of this Law before the court decision enters into force.

10. Refugee or humanitarian status holders shall undergo annual registration in accordance with the procedure provided for by the Ministry.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*

*Law of Georgia No 4062 of 17 July 2015 – website, 29.7.2015*

#### **Chapter IV - Suspension and Revocation of Refugee or Humanitarian Status**

##### **Article 15 - Grounds for suspending and revoking refugee or humanitarian status**

1. Refugee or humanitarian status shall be suspended if a person:

- a) has been granted citizenship of Georgia or a permanent residence permit in Georgia;
- b) has lost and then voluntarily regained citizenship of his/her country of origin;
- c) has acquired citizenship of another country and is under the protection of that country;
- d) has voluntarily used the protection of the country he/she was forced to leave;
- e) may no longer refuse the protection of the country of origin, provided that there are no circumstances based on which he/she has received this status;
- f) for personal reasons does not want to retain refugee or humanitarian status;
- g) has passed away;
- h) is reasonably suspected of posing a threat to the security of Georgia.

2. Sub-paragraph (e) of paragraph 1 of this article shall not apply to refugee and humanitarian status holders if they are able to present reasonable grounds for refusing to return to their country of origin based on previous persecution.

3. If the family of a person breaks down due to divorce, separation or death, his/her family members who have been granted refugee or humanitarian status on the basis of family reunification shall maintain such status unless the relevant requirements provided for by this article apply to him/her.

4. Humanitarian status shall be suspended in relation to a person who has been granted refugee status under paragraph 5 of Article 14 of this Law.

##### **Article 16 - Grounds for revoking refugee or humanitarian status**

1. Refugee or humanitarian status shall be revoked if it becomes known that the person does not meet the requirements provided for by Article 2 and Article 4 of this Law, in particular if newly discovered information proves that the information provided earlier was incorrect or the documents were fraudulent.

2. Refugee or humanitarian status shall be revoked if the court recognises a person as missing or announces a person as dead. The status shall be restored to the person if the court makes a decision on revoking such recognition or announcement.

3. The decision on revoking refugee or humanitarian status shall also apply to family members who have been granted such status according to Article 6 and Article 7 of this Law.



#### **Article 17 - Procedure for suspending or revoking refugee or humanitarian status**

1. Where there are grounds for suspending or revoking refugee or humanitarian status provided for by Article 15 and Article 14 of this Law, the Ministry shall initiate the procedure for suspending or revoking refugee and humanitarian status.
2. The procedure for suspending or revoking refugee or humanitarian status shall include:
  - a) notifying the person of the commencement of the procedure and conducting an interview;
  - b) conducting an interview with the person within one month from commencing the procedure;
  - c) the right to appeal the decision on suspension or revocation of refugee or humanitarian status in accordance with the procedure provided for by the legislation of Georgia.
3. The Ministry shall not consider the compliance or otherwise of a person with the requirements provided for by Article 2 and Article 4 of this Law during the suspension or revocation procedure.
4. Refugee or humanitarian status holders, where the procedure determined by this article has been initiated against them, shall maintain a temporary residence permit and all the rights of status holders until a final decision has been made on the issue.
5. The suspension or revocation of the refugee or humanitarian status of a person shall result in the suspension or revocation of the temporary residence permit and travel document issued to that person.
6. The Ministry, within 3 days after making a decision on suspending or revoking refugee or humanitarian status, shall hand or send to the person a notification of the decision indicating the reasons, and the procedure for appeal.
7. If a person does not appeal the decision on suspending or revoking refugee or humanitarian status, or if the person has no other legal grounds for remaining in Georgia, the person shall leave Georgia together with his/her family members within one month after receiving the notification of the decision.
8. In the case of failure to meet the requirements provided for by paragraph 7 of this article, the issue shall become subject to the law of Georgia on Legal Status of Aliens and Stateless persons.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*

#### **Chapter V - Rights and Responsibilities of Asylum-Seekers or Refugee and Humanitarian Status Holders**

##### **Article 18 - Rights and responsibilities of asylum-seekers**

1. Asylum-seekers shall be entitled to:
  - a) use translation services and receive information on the procedure for granting refugee or humanitarian status, and any other information provided for by this article;
  - b) receive a reference on temporary placement and live free of charge in a reception centre, and in special cases, at other locations of temporary placement allocated by the Ministry;
  - c) when placed in a reception centre, or in special cases another location of temporary placement allocated by the Ministry, receive assistance in moving and carrying luggage .
  - d) receive other types of assistance;
  - e) enjoy the right to education like a citizen of Georgia;
  - f) benefit from medical and social assistance according to procedures provided for by the legislation of Georgia;
  - g) withdraw an application;
  - h) be exempt from fees payable for the revision of an application at any instance and enjoy free interpretation services;
  - i) enjoy the right to be employed according to the legislation of Georgia;
  - j) appeal to the court to protect their rights and freedoms, in accordance with paragraph 1 of Article 42 of the Constitution of Georgia;
  - k) be informed of the right to contact the United Nations High Commissioner for Refugees;
  - l) enjoy the rights granted to aliens under the legislation of Georgia, if this Law does not provide otherwise.
2. Asylum-seekers shall be be obliged:
  - a) to provide all documents necessary for the revision of their application to the structural unit of the Ministry;
  - b) to go to the reception centre or another location of temporary placement allocated by the Ministry within 15 days they receive a reference on



temporary accommodation;

c) in the case of selecting another place of residence instead of one allocated by the Ministry, to notify the structural unit of the Ministry of the exact address and in the case of moving regularly provide updated information;

d) to comply with the legislation of Georgia, and the regulations on accommodation, behaviour and eviction in the reception centre provided for by the Ministry;

e) to undergo a compulsory medical examination at a health care facility within a period established by the Ministry.

3. The failure of asylum-seekers to meet the requirements of paragraph 2 of this article shall be considered by the Ministry as a refusal to be placed in a reception centre.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*

#### **Article 19 - Rights and responsibilities of refugee and humanitarian status holders**

1. Refugee or humanitarian status holders are entitled to:

a) live in a reception centre for a period of 3 months after the receipt of the status, and in special cases at another location of temporary placement allocated by the Ministry and enjoy all the rights provided for by Article 18 of this Law;

b) select between the place allocated by the Ministry or relocate to another location at their own expense within 3 months from granting the status;

c) apply to the legal entity under public law the State Services Development Agency operating within the governance of the Ministry of Justice of Georgia for granting citizenship of Georgia according to the organic law of Georgia on Citizenship of Georgia;

d) return to the country of origin or travel to another country;

e) enjoy the right to education like a citizen of Georgia;

f) benefit from medical and social assistance according to procedures provided for by the legislation of Georgia;

g) enjoy the rights granted to aliens under the legislation of Georgia, if this Law does not provide otherwise.

2. The temporary residence certificate and travel document defined by Article 27 and Article 28 of the United Nations Convention relating to the Status of Refugees 1951, shall be issued to refugee or humanitarian status holders (if the humanitarian status holders do not have an identity document and/or such document cannot be obtained).

3. A temporary residence permit and travel document shall be issued to humanitarian status holders in accordance with the paragraph (2) of this article, on the basis of written request from the Ministry.

4. The form of and the procedure for issuance of the travel document shall be determined by the Ministry of Justice of Georgia in accordance with the United Nations Convention 1951 on Status of Refugees.

5. Refugee or humanitarian status holders shall:

a) comply with the legislation of Georgia;

b) notify the Ministry in advance on a change of a previously chosen place of residence;

c) undergo annual registration.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*

*Law of Georgia No 2320 of 30 April 2014 - website, 13.5.2014*

#### **Article 20 - Legal guarantees of asylum-seekers, and refugee or humanitarian status holders**

1. The rights of asylum-seekers, and refugee or humanitarian status holders, shall be protected by the State.

2. The decisions of state agencies and officials that violate the rights of asylum-seekers, or refugee or humanitarian status holders, as granted by the legislation of Georgia, shall be void and shall not be valid in law.

#### **Article 21 - Guarantees against refoulement**

1. The principle of non-refoulement, in accordance with this Law and international law, means the obligation of Georgia not to force asylum-seekers, or refugee or humanitarian status holders, to leave Georgia, or to return to countries or the borders of countries where their life or freedom will be threatened because of their race, religion, denomination, nationality, political opinion, or because they belong to a certain social group, and/or because of violence, external aggression, occupation, internal conflicts, mass human rights violations or other gross violations of public order.



2. It is prohibited to deport an asylum seeker from Georgia until a final decision is made on their application, in accordance with Article 14 of this Law.

3. It is prohibited to deport or extradite refugee and humanitarian status holders to another country if there are reasonable grounds for believing that they will be subjected to torture or other cruel, inhuman or degrading treatment or punishment in that country.

#### **Article 22 - Social and economic guarantees of refugee or humanitarian status holders**

1. Issues regarding the social and economic guarantees of refugee and humanitarian status holders (particularly the issues of reception, accommodation, education and security) shall be decided by the Ministry in agreement with other appropriate executive authorities of Georgia. The Ministry shall coordinate the activities of the executive authorities of Georgia in the field of assistance for refugee or humanitarian status holders.

2. The social and economic guarantees provided for by paragraph 1 of this article shall be suspended in relation to refugee or humanitarian status holders who:

a) leave Georgia for more than one month;

b) have committed a crime, for which a court's judgement of conviction against them has entered into legal force, punishable with imprisonment;

c) have not undergone annual registration in accordance with sub paragraph (c) of paragraph 5 of Article 19 of this Law, and within three months after the completion of registration have not appeared at the Ministry and have not submitted an appropriate justification for failure to appear;

d) have submitted an application on refusal to receive the assistance provided for by the legislation of Georgia.

3. The costs of the reception, status definition, and accommodation of asylum-seekers and refugee and humanitarian status holders, including the expenses of the executive agencies and local self-government bodies of Georgia related to the reception and accommodation of refugee or humanitarian status holders in their territories, shall be reimbursed with the funds of the Ministry allocated for this purpose from the state budget of Georgia.

4. Where the state of Georgia cannot independently resolve issues related to refugee and humanitarian status holders, it may address other states and international organisations in order to receive relevant assistance.

### **Chapter VI - Authority, Obligations and International Collaboration of the Government of Georgia**

#### **Article 23 - Bodies responsible for the enforcement of this Law**

1. The following bodies shall be responsible for the enforcement of this Law:

a) the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia;

b) the Ministry of Internal Affairs of Georgia;

b<sup>1</sup>) the State Security Service of Georgia;

c) the Ministry of Justice of Georgia;

d) the Ministry of Corrections and Legal Assistance of Georgia;

e) the Ministry for Foreign Affairs of Georgia ;

f) the Ministry of Health, Labour and Social Affairs of Georgia;

g) the Ministry of Education and Science of Georgia;

h) local self-government bodies.

2. It is prohibited for bodies provided for by paragraph 1 of this article to contact the government of the country of origin of asylum-seekers and refugee or humanitarian status holders in order to exchange information upon the execution of this Law or other legal acts regulating the field determined by this Law.

*Law of Georgia No 1784 of 13 December 2013 - website, 28.12.2013*

*Law of Georgia No 3936 of 8 July 2015 - website, 15.7.2015.*

#### **Article 24 - Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia**

1. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia is only one administrative body responsible for the revision of applications and making decisions on applications.

2. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia shall:





- a) carry out the registration of asylum-seekers, and refugee or humanitarian status holders, and shall create a database and regularly update the information therein;
- b) carry out the procedures determined by this Law in accordance with the regulations provided for herein;
- c) if necessary, address:
  - c.a) the State Security Service of Georgia, to take advice on issues relating to a potential threat to the security of the country created by asylum-seekers, or refugee or humanitarian status holders who have illegally entered in the country;
  - c.b) the Ministry of Internal Affairs of Georgia, to take advice on issues relating to a potential threat to social order and public law and order created by asylum-seekers, or refugee or humanitarian status holders who have illegally entered in the country;
- d) if necessary, the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia, for assistance in the identification of asylum-seekers;
- e) inform the Ministry of Justice of Georgia, in accordance with the procedure provided for by this Law, of a court decision in force relating to a case of an asylum seeker, on the basis of which a request for asylum has been rejected;
- f) inform the legal entity under public law called the State Services Development Agency, operating within the governance of the Ministry of Justice of Georgia on the suspension or revocation of refugee or humanitarian status, in order to cancel the temporary residence permits and travel documents issued to persons whose status has been suspended or revoked;
- g) cooperate with the bodies defined by Article 23 of this Law and the United Nations High Commissioner for Refugees while ensuring the exercise of rights granted to asylum-seekers, and refugee and humanitarian status holders;
- h) provide information to the United Nations High Commissioner for Refugees on asylum-seekers, and refugee and humanitarian status holders;
- i) assist refugee and humanitarian status holders to return to their country of origin.

*Law of Georgia No 6317 of 25 May 2012 - website, 19.6.2012*

*Law of Georgia No 3936 of 8 July 2015 - website, 15.7.2015.*

## **Article 25 - Ministry of Internal Affairs of Georgia and the State Security Service of Georgia**

1. The Ministry of Internal Affairs of Georgia, within the scope of its authority, shall:

- a) upon request, assist the Ministry in the identification of asylum-seekers and the verification of facts provided during the determination of their status, and provide information on issues of a potential threat to the social order and public law and order created by asylum-seekers, and refugee or humanitarian status holders;
- b) inform the Ministry about the commission of a criminal offence in Georgia by an asylum-seeker, or a refugee or humanitarian status holder, within two weeks;
- c) verify the documents of asylum-seekers, according to established rules and procedures, at control checkpoints;
- d) send an application received by the territorial body of the border or patrol police, or other structural unit of the Ministry of Internal Affairs of Georgia, or an appropriate division of the the State Security Service of Georgia, to the Ministry within three days of receiving it;
- e) on the basis of a notification from the Ministry in accordance with the legislation of Georgia, start the procedure for refoulement of those persons whose refugee or humanitarian status has been terminated and/or who have received a refusal to grant asylum in accordance with the legislation of Georgia.

2. The State Security Service of Georgia, within the scope of its authority, and if requested, shall assist the Ministry in the identification of asylum-seekers and the verification of facts provided during the determination of their status, and shall provide information on issues of a potential threat to the state security of Georgia created by asylum-seekers, or refugee or humanitarian status holders.

3. A potential threat to the state security of Georgia, as referred to in paragraph 2 of this Article, includes cases where there is a reasonable belief that an asylum-seeker, or a refugee or humanitarian status holder, has connections with:

- a) the armed forces of a country and/or organisation which threatens the defence and security of Georgia;
- b) the intelligence services of other countries;
- c) terrorist and/or extremist organisations;
- d) other criminal organisations (including transnational criminal organisations) and/or the illegal trade in armaments, and/or weapons of mass destruction, and/or their components.

4. Information on the circumstances under sub paragraph (a) of paragraph 1 and paragraph 3 of this article shall be provided to the trial body in a manner that does not damage the interests of the protection of state secrets, and/or the state security of Georgia, and/or public security.

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*



#### **Article 26 - Ministry of Justice of Georgia**

The Ministry of Justice of Georgia shall:

- a) issue temporary residence permits to refugee and humanitarian status holders on the basis of the document certifying status issued by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, in accordance with the legislation of Georgia;
- b) issue travel documents to refugee and humanitarian status holders, in accordance with the legislation of Georgia;
- c) (Deleted - 5.3.2014, No 2048).

*Law of Georgia No 2048 of 5 March 2014 - website, 17.3.2014*

#### **Article 27 - Ministry of Corrections and Legal Assistance of Georgia**

The Ministry of Corrections and Legal Assistance of Georgia, no later than 2 months before the expiration of the sentence of a person who is detained and is subject to refoulement from Georgia, shall inform the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia and the Ministry of Internal Affairs of Georgia about the expected release of such person.

*Law of Georgia No 1784 of 13 December 2013 - website, 28.12.2013*

#### **Article 28 - Ministry of Foreign Affairs of Georgia**

The Ministry of Foreign Affairs of Georgia shall:

- a) if requested, assist the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia in the verification of the facts provided during the determination of refugee or humanitarian status and in obtaining information on the country of origin of such person, except for information through the procedure provided for by Article 23(2) of this Law;
- b) through the Consulate of Georgia, assist the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia in the reunification of families in accordance with Article 7 of this Law, and within the scope of its powers granted by the legislation of Georgia, on the basis of an application from the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia;
- c) through the assistance of the diplomatic missions or consulates, and within its authority, support refugee or humanitarian status holders in voluntary repatriation to their country of origin.

#### **Article 29 - Ministry of Labour, Health and Social Affairs of Georgia**

The Ministry of Labour, Health and Social Affairs of Georgia shall:

- a) provide medical and social assistance to asylum-seekers, and refugee and humanitarian status holders, in accordance with the procedure provided for by the legislation of Georgia;
- b) on the basis of a request from the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, provide minors without parental care with adequate accommodation and the establishment of custody/guardianship, in accordance with the legislation of Georgia.

#### **Article 30 - Ministry of Education and Science of Georgia**

The Ministry of Education and Science of Georgia shall:

- a) ensure the right to education for asylum-seekers, and refugee and humanitarian status holders, in accordance Article 18 and Article 19 of this Law;
- b) send information to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, under established procedure, on the living conditions of the children of refugee or humanitarian status holders and on the possibility of their studying at state and comprehensive (secondary) schools, or vocational educational institutions, and the possibility and conditions for their transfer to secondary and vocational educational institutions.

#### **Article 31 - Local self-government bodies**



Local self-government bodies are authorised to submit a list of settlements offered as places of residence for refugee and humanitarian status holders to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia shall provide refugee and humanitarian status holders with information on the living conditions in these settlements.

#### **Article 32 - Joint responsibility of executive government bodies of Georgia**

The executive government bodies of Georgia shall:

- a) cooperate with local self-government bodies on issues of reception, accommodation and integration of the asylum-seekers, and refugee or humanitarian status holders and their family members;
- b) cooperate with public associations and other organisations in the assistance of refugee and humanitarian status holders and their family members;
- c) execute their authority to ensure the execution of this Law.

#### **Article 33 - Collaboration of Georgia with other states and international organisations**

1. Georgia shall collaborate with other states, and the United Nations High Commissioner for Refugees and other international organisations to solve the problems of refugee or humanitarian status holders.

2. State bodies shall provide the United Nations High Commissioner for Refugees with full support and collaboration in supervising the implementation of the 1951 United Nations Convention relating to the Status of Refugees, and the 1967 Protocol on Status of Refugees. The representatives of the United Nations High Commissioner for Refugees shall be given the opportunity, upon request, at any time and without impediment, to meet asylum-seekers, and refugee or humanitarian status holders, at any stage of the revision of an application.

### **Chapter VII - Liability for Violation of this Law**

#### **Article 34 - Liability for Violation of this Law**

Violation of this Law shall result in liability in accordance with the legislation of Georgia.

### **Chapter VIII - Transitional and Final Provisions**

#### **Article 35 - Measures to be carried out in connection with the entry into force of this Law**

1. The Government of Georgia shall ensure compliance of legislative and subordinate acts with this Law within six months after the entry into force of this Law.

2. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia within 6 months after the adoption of this Law shall develop and approve:

- a) regulations for the annual registration of refugee and humanitarian status holders;
- b) the form of the asylum-seeker permit and the rules for its issuance and amendment;
- c) the procedure for granting refugee and humanitarian status;
- d) regulations for accommodation and behaviour in a reception centre, and eviction from a reception centre.

3. The Ministry of Justice of Georgia shall develop and approve, within three months from the adoption of this Law, the form of travel document for refugee and humanitarian status holders.

#### **Article 35<sup>1</sup> - Legal regulation during transitional period relating to persons declared legally incapable by the court before 1 April 2015**

For the purposes of this Law, adults, children, and parents declared legally incapable by a court before 1 April 2015 shall be considered as family members until their individual assessment.

*Law of Georgia No 3348 of 20 March 2015 - website, 31.3.2015*

#### **Article 36 - Void normative act**



Upon the entry into force of this Law, the law of Georgia of 18 February 1998 on Refugees shall be declared void (The Official Gazette of the Parliament of Georgia, No11-12, 14.03.1998, pg. 39).

**Article 37 - Entry into force of the Law**

This Law shall enter into force on the 90<sup>th</sup> day after its promulgation.

**President of Georgia**

**M. Saakashvili**

**Tbilisi,**

**6 December 2011**

**No 5370- II<sub>ს</sub>**

