

**Georgian President's Decree  
N 515**

**27 June 2012  
Tbilisi**

**On Approving the Rules for Stateless  
Status Determination**

1. According to the article 26<sup>1</sup> subparagraph 7 of the law of Georgia “On Legal status of Aliens and Stateless Persons,” below given rules for stateless status determination shall be approved.
2. This decree shall enter into force upon its publication.

**Mikheil Saakashvili**

**Rules for Stateless Status Determination**

**Article 1. General Provision**

The present rules define procedures for lodging a claim, consideration and rendering decision on granting the status to a stateless person (hereinafter “the status”) in Georgia.

**Article 2. Basic conditions for status determination**

1. Status shall be granted to a person whose Georgian citizenship cannot be proved and who, at the same time, is not considered as a citizen by any State under the operation of its law.
2. Any person staying in Georgia has a right to undergo status determination procedure despite his/her legality of stay on the territory of Georgia.

**Article 3. Documents that need to be submitted**

1. A stateless status seeker shall lodge a claim to the territorial office of the Civil Services Development Agency (hereinafter “the agency”) – a legal entity of public law under the Ministry of Justice of Georgia. (18.07.2012 Decree #601) The application must include 2 size  $\frac{3}{4}$  photographs, a document confirming the payment of appropriate fee for the service, identity document or travel document issued by a foreign state and any other

document, which can prove that the status seeker is a stateless person. In case documents are not available, the reasons for the lack of document should be indicated in the claim.

2. If a legal representative acts according to these Rules, than relevant documents confirming the authority of the representative should be submitted to the territorial office of the Agency.

3. Application should include the following data of stateless status seeker:

- a. identity information (first name, last name, if changed – previous first and last names, previous citizenship, sex, place and date of birth, mother’s last name before marriage and after marriage);
- b. requisites of identity or travel documents issued by foreign countries (document type and serial number, validity, place and date of issue, authorized body);
- c. marital status; date of marriage, citizenship and children’s place of birth, name, last name and citizenship of husband/wife (ex-husband, ex-wife);
- d. countries of residence and periods of residence in these countries;
- e. education;
- f. place of work;
- g. factual place of residence.

4. In Case of changing the residence place in Georgia, the status seeker shall inform the Agency.

5. Stateless status determination application form is confirmed by the decree of the Chairperson of the Agency. The additional requisites of application may be defined by this decree.

#### **Article 4. Types of Communication**

1. The Agency communicates with an applicant by publishing information on its website. The applicant is authorized to request in the application additional forms of communication with the Agency: e-mail or official notification of information/decision (hand over or delivery of a decision by post within the territory of Georgia).
2. During the process of application’s consideration and of rendering decision, the Agency/territorial office of the Agency and other State bodies communicate with each other in written form, as well as in electronic form.

#### **Article 5. Right to submit an application**

1. Any capable person who has reached 18 years has the right to submit an application on status determination. The issue concerning persons under 18 years is considered on the basis of application of their legal representative.
2. While lodging an application the stateless status seeker shall be informed on his/her rights and obligations during the administrative proceeding, as well as the legal consequences of the decision on stateless status determination.

3. While accepting application, the Agency issues an information card to the status seeker. The form of the information card is confirmed by the Chairperson of the Agency.

## **Article 6. Consideration of the application**

1. If a status seeker does not possess identity documentation or a travel document, the Agency determines the identity of the status seeker. Identity can be established according to the written information submitted by a State or a local government body, authorized persons of medical or educational institution or international or non-governmental organization, or on the basis of notarized written information submitted by two capable persons who have reached 18 years.
2. The agency is endorsed to invite applicant to the interview in order to establish circumstances necessary for decision-making. Status seeker must be informed about the date of the interview at least 5 calendar days ahead of the interview.
3. All information necessary for the status determination must be submitted at the interview. Interview is conducted by the authorized persons of the Agency. A protocol about the interview shall be composed, which must be confirmed with a signature of an authorized person of the Agency and the status seeker.
4. During any stage of the status determination process, if any circumstances as envisaged in the Article 2 and also in subparagraph 1 and 2 of article 4 of Law of Georgia on “Refugee and Humanitarian Status” are revealed, the Agency suspends administrative proceeding and not later than 3 working days transfers all documents of administrative proceeding to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia for determination of a refugee or humanitarian status.
5. The Agency is authorized to seek assistance of the Diplomatic Missions and Consular Services of Georgia abroad, as well as assistance of international organizations to obtain necessary information for consideration of the case.
6. The agency is authorized to request information from State bodies whether granting statelessness status to a status seeker is pertinent with the requirements of the State security and public order. State bodies are obliged to provide requested information within 30 Calendar days. If the State agencies fail to submit information within specified timeframe, it is considered that there are no grounds for rejecting status determination.
7. Statelessness status may be determined to a person without following the procedures as mentioned in sub paragraphs 2, 3, 5 and 6 of the given article if: (3.09.2012, #773)
  - a) He/she permanently resided on the territory of Georgia by 27 March 1993, was not considered a citizen of Georgia and has not been removed from registration in Georgia since 27 March 1993.
  - b) His/her citizenship was terminated due to the renouncement of Georgian citizenship.

## **Article 7. Legal guarantees, rights and obligations of the status seeker**

1. During the administrative proceeding, the status seeker will be provided with interpreter service free of charge. The status seeker is also authorized to use legal assistance from international and local non-governmental organizations.
2. If a status seeker stays on the territory of Georgia illegally, his/her stay in the country, during the administrative proceeding of status determination, shall be considered as legal.
3. The status seeker who entered Georgia illegally or whose legal grounds for further stay in Georgia no longer exist shall not be expelled from Georgia during the administrative proceeding of status determination.
4. The status seeker has authority to supply all pertinent evidence and information to the Agency, which is necessary for status determination.
5. The status seeker is obliged to supply all pertinent documents and information and cooperate with authorized organs to prove and verify necessary circumstances for status determination.

## **Article 8. Decision on status determination**

1. State bodies are obliged to send any information to the Agency, which may have an effect on the Agency's decision on status determination.
2. The application on status determination shall be considered and decision rendered within 6 month after the application on granting statelessness status is lodged. In some cases, term of case examination may be extended for no longer than 3 month, if it is necessary to obtain important documentation/information for status determination.
3. Citizenship and Immigration Service of the Agency (hereinafter "the Service") (*18.07.2012 #601*) prepares decision on granting or rejecting the status of a stateless person in accordance with the documentations submitted by the status seeker and obtained by the Agency.
4. Chairperson of the Service (*18.07.2012 #601*) takes decision on granting or rejecting stateless status, according to the resolution of the Service. Applicant will be informed about the decision within 3 working days.
5. If positive decision is rendered on granting stateless status, the decision should indicate issuance of the residence permit to the person in question.

## **Article 9. Grounds for termination of administrative proceeding on status determination**

Administrative proceeding on status determination is terminated, if

- a. The status seeker dies;
- b. Regardless of the notification as per the established regulations, the status seeker avoids to appear at the interview;

- c. The status seeker lost interest for pursuance of status determination in Georgia;
- d. The status seeker fails to co-operate with the Agency to verify circumstances which are necessary for status determination;
- e. A refugee status or a humanitarian status is granted to the status seeker;

#### **Article 10. Grounds for refusal to grant stateless status**

Granting of the stateless status may be rejected to the applicant if any one of the following grounds is revealed:

- a. Person is a Georgian citizen or a citizen of any foreign country;
- b. Submission of fraudulent or incorrect information on circumstances which are necessary for status determination;
- c. Decision is made by a competent body on non-expediency of his/her residence in Georgia, for the purposes of protecting the interests of the State and the public;
- d. Person's identification is impossible;
- e. The circumstances envisaged in Article 1 subparagraph 2 of the 1954 Convention relating to the Status of Stateless Persons exist with regards to an applicant.

#### **Article 11. Grounds for termination of the status**

1. Status shall be terminated, if:

- a. It is established that the person is a citizen of Georgia or a foreign citizen, or the person acquired Georgian citizenship or the citizenship of another country.
- b. Grounds envisaged in "b," "c" and "e" subparagraphs of article 10 are revealed.
- c. Person has been granted a stateless status or the status of a stateless person has been determined by any State party to the 1954 Convention relating to the Status of Stateless Persons.

2. State authorities are obliged to inform the Agency about the grounds for termination of the stateless status.