

**LAW OF GEORGIA
ON
LEGAL STATUS OF ALIENS**

**Title One
General Provisions**

**Chapter I
General Provisions**

**Article 1
Objectives of the Law and the Scope of Regulation**

1. According to human rights and freedoms provided by the Constitution of Georgia, as well as universally recognized principles and provisions of international law, the present Law has the following objectives:
 - (a) to provide legal guarantees for aliens residing on the territory of Georgia either on a temporary or a permanent basis, in accordance with the universally recognized human rights and freedoms and the interests of the state;
 - (b) to protect the universally recognized rights of aliens irrespective of their race, color, religion, nationality, citizenship, social background, political views, language, sex, property, and title;
 - (c) to facilitate the development of relations between Georgia and foreign countries in economic, cultural, educational and scientific fields;
 - (d) to enhance the freedom to choose his/her residence, freedom of movement and right to select a profession stipulated by the Constitution of Georgia;
 - (e) to ensure the Georgian legislation is compatible with the internationally recognized norms and international agreements to which Georgia is a party in the state policy pertaining to aliens;
 - (f) to support international cooperation to prevent illegal and uncontrolled migration, as well as to preclude spontaneous and disorderly migration, to ensure the implementation of the purposeful migration policy and the involvement of state agencies in such processes;
2. The present Law regulates legal grounds and mechanisms for aliens' entry, stay in, transit and leave Georgia and defines the rights and responsibilities of aliens, legal grounds for deportation of aliens residing in Georgia, the forms and procedure of deportation, as well as the field of competence and responsibilities of the state

institutions participating in the process of deportation for the implementation of legal standards provided for in this Law.

3. This law shall not apply to persons who enjoy the status of asylum-seeker, refugees and asylum, except for the Chapter V of the present law.

Article 2 **Definition of Terms**

Terms used in this Law shall have the following meanings:

- a) “Alien” - any person who is not a Georgian citizen and is not a stateless person permanently residing in Georgia; furthermore, in the cases stipulated in the third Title of this Law when a person has no document proving/verifying his/her citizenship and permanent place of residence;
- b) “Visa” - a note of a particular format established by the Ministry of Foreign Affairs of Georgia and attached in the travel document certifying the right of an alien to enter Georgia or transit through its territory.
- c) “Visa validity” - a period during which an alien shall be entitled to enter and stay on the territory of Georgia.
- d) “Period of stay” – a period fixed in the Georgian visa, during which an alien is entitled to stay on the territory of Georgia. Period of stay shall be calculated from the day of first crossing of Georgian state border by the alien and shall not exceed the validity period of the visa.
- e) “Invitation” – a written notification about the arrival and purpose of travel to Georgia of an alien issued by a Georgian national, a person having a residence permit in Georgia or by the legal entity registered in Georgia in accordance with the procedures established by the Georgian legislation.
- f) “Travel document” - a passport, its substitute, or any other identification document suitable for traveling, recognized by the legislation of Georgia or by the international agreement.
- g) “Inspection at border crossing points” – border-migration control at the time of entry or exit of aliens.
- h) “Relative of an alien” - the spouse of an alien, his or her child, parent, adopted child, adoptive parent, further a minor, an incapable person or a person unable to work being under an alien’s guardianship (custody) or/and is fully dependant on him/her.
- i) “Border crossing point” - any highway or a section of road, accessible for international travel, or any section of a railway station, seaport, harbor or airport

- (airdrome), where border control and any other type of control operations, provided for by the Georgian legislation and connected with border crossing, are implemented.
- j) “Border zone” - a maximum 5-km-wide land area from the border or coast line inside the territory of Georgia, or any section of international airport (airdrome), railway station, international river or seaport, in which border control operations connected with border crossing are implemented.
 - k) “A person of free profession” – a person of a certain profession who renders practical or intellectual services on his/her own responsibility for the sake of certain group of people or public interests.
 - l) “Transit” - travel through the territory of Georgia with the purpose of entering the third country.
 - m) “Carrier companies”- legal entities in the field of transportation engaged in bringing and taking passengers to and out of Georgia.

Title Two
Entry, Stay, Transit and Exit of Aliens to, in, through and out of Georgia

Chapter II
General Requirements for Entry, Stay, Transit and Exit to, in, through and out of Georgia

Article 3
Principles

The following principles shall be the basis of the regulation of aliens’ entering to, staying in, transiting through and departing from Georgia:

- (a) Georgia shall regulate and control crossing of the state border by aliens;
- (b) Georgia is authorized to exercise all appropriate laws and regulations to an alien crossing the state border, taking into account the purposes and reasons for crossing the border;
- (c) In applying its laws and regulations to an alien crossing the state border of Georgia, Georgia shall act in accordance with the principle of non-discrimination;
- (d) Only the restrictions envisaged in the Georgian legislation may be applicable to aliens crossing the state border of Georgia;
- (e) An alien who has been denied crossing the state border of Georgia shall have the right to appeal against such a decision;

- (f) Aliens may enter the territory of Georgia in accordance with the Georgian legislation and in compliance with universally recognized principles of international law and international agreements;
- (g) The legislation of Georgia on aliens shall respect and observe the principle of family unity;
- (h) The state may deny any alien the entrance to the territory of Georgia if the person concerned is suspected of having committed an international crime such as terrorism or drug smuggling, and also, of being sick with infectious diseases;
- (i) Any alien legally staying in Georgia is free to leave Georgia. Restrictions on this right are possible only in accordance with the legislation, and with the purpose of ensuring national security or public safety necessary for democratic society, as well as healthcare, preventing crime, or administration of justice;
- (j) An alien may be deported from the territory of Georgia only in accordance with the legislation of Georgia and in compliance with the universally recognized principles of international law;
- (k) The same legal regime shall be applied to stateless persons living permanently in a certain state as to the citizens of that state.

Article 4 **Grounds for Entry to Georgia**

1. Any alien shall have the right to enter the territory of Georgia provided s/he meets all of the requirements envisaged by the present Law.
2. Aliens shall enter the territory of Georgia through the border checkpoints open for the international communication routes when they have a valid travel document and a permit for being in Georgia, unless otherwise provided by the legislation of Georgia.
3. In exceptional cases the Georgian Border Police of the Ministry of Interior shall be authorized to let an alien to cross Georgian border without any travel document and stay in Georgia up to three months.
4. The permits for staying in Georgia are as follows:
 - a) Georgian visa;
 - b) Residence permit.
5. Citizens of the following states are not required to have a visa for entering and staying in Georgia up to 90 days:
 - a) EU member states;
 - b) The United States of America;
 - c) Canada;

- d) Japan;
 - e) Swiss Confederation;
 - f) Lichtenstein;
 - g) Norway;
 - h) State of Israel;
 - i) Vatican.
6. A visa for initial entrance to Georgia is required for international staff of diplomatic representations and consulates accredited in Georgia, also those of other similar representations made equal to the named ones, including the citizens of states stipulated in the paragraph 5 of the present Article. During the period of their stay in Georgia, they shall cross the border with an accreditation card issued by the Ministry of Foreign Affairs in accordance to the established rules.
7. A Georgian visa for transit shall not be required to the following persons:
- a) Air passengers crossing Georgian territory without interim landing on it, in case there is a preliminary permission for crossing airspace of Georgia;
 - b) Crews and passengers of airlines, railways or maritime transports with interim change of the mode of transport if provided the passengers have documents proving their rights to enter the country of destination and the term of their stay in Georgia does not exceed 72 hours. Moreover, passengers shall not be allowed to leave specific boundaries of the transit sections at airports, railway stations and sea ports.
8. Some international agreement to which Georgia is a party may provide for a simplified regime of entry and stay in Georgia or other regime different from the one envisaged in the present Law.

Chapter III

Issuance of Georgian Visa

Article 5

Visa Issuing Authorities

1. A Georgian visa shall be issued abroad by the diplomatic representations of Georgia and Consulate authorities.
2. In cases prescribed by the President of Georgia, a visa/three-month entry permit may be issued at the border crossing points by the Border Police of Georgia which reports to the Ministry of Internal Affairs.
3. The procedure of issuance, prolongation and expiration of a Georgian visa shall be established by the President of Georgia.

Article 6

Categories of Georgian Visa

1. Georgian visas shall be divided into the following categories:
 - (a) diplomatic;
 - (b) service;
 - (c) ordinary;
 - (d) residence.
2. Diplomatic, service and ordinary visas can be issued with the right of single, double or multiple entries to Georgia.
3. A residence visa can be issued with the right of single entry to Georgia.

Article 7

Diplomatic Visas

1. Diplomatic visas, as a rule, shall be affixed into the diplomatic passports of the following persons:
 - a) heads of foreign states and governments, members of official delegations, family members accompanying them, and also other accompaniments;
 - b) diplomatic agents and consulate officials of the diplomatic and other equal representations accredited in Georgia, as well as their family members;
 - c) staff members of the representations of international organizations, located on the territory of Georgia to which Georgia awarded diplomatic status, as well as their family members;
 - d) foreign diplomatic messengers (couriers);
 - e) foreigners coming to Georgia with a special diplomatic mission;
 - f) foreign diplomats and their family members, also diplomatic messengers who are going to a third country and transiting through Georgia;
 - g) honorable consulates of Georgia;
 - h) other citizens of a foreign state deriving from the interests of Georgia by the discretion of the visa issuing authority.
2. If Georgia does not recognize the diplomatic status of the person holding a diplomatic passport or the person concerned travels with a non-service purpose, the visa issuing authority can issue him/her an ordinary visa or a service visa on its own discretion.
3. A diplomatic visa shall be issued with the staying period of 90 days. Furthermore, the validity of the visa should not exceed 180 days.
4. In exceptional cases, a diplomatic visa can be issued with the period of stay of one year.

Article 8

Service Visas

1. Service visas generally shall be affixed into the service passports of the following persons:
 - a) Members of the delegation of foreign states, family members accompanying them, and other accompaniers;
 - b) administrative, technical and support staff of diplomatic representations of foreign states, and consulate staff and support staff of consulates, as well as family members of these persons;
 - c) Staff of international organizations located in Georgia and their family members;
 - d) Foreigners coming to Georgia for a formal visit;
 - e) Citizens of foreign states who are traveling to third countries with the purpose to work in diplomatic missions or consulates, and are transiting through Georgia;
 - f) Members of peacekeeping forces and other military contingents located on the territory of Georgia in accordance with an international agreement;
 - g) Other citizens of foreign states deriving from the interests of Georgia by the discretion of the visa issuing authority.
2. If Georgia does not recognize the formal status of the person holding a service passport or s/he travels for a non-service purpose, an ordinary visa can be issued upon the discretion of the visa issuing authority.
3. A service visa shall be issued with period of stay of 90 days. Moreover, the validity period of it should not exceed 180 days.
4. In exceptional cases, it is possible that visa is issued with one year period for stay.

Article 9 Ordinary Visas

1. Ordinary visas shall be issued up to 90 days of travel for the following persons:
 - a) foreigners who are entering Georgia with the purpose of investment and enterprise-establishing activities, furthermore representatives of companies and firms, consultants who are coming to Georgia in order to exercise their professional duties;
 - b) foreigners coming to Georgia for elimination of emergency situation in Georgia;
 - c) foreigners coming to Georgia with an aim to participate in scientific seminars, conferences and other types of scientific research and pedagogical workshops;
 - d) media workers who are coming to Georgia on their duties;
 - e) foreigners coming to Georgia with a religious mission or with an aim to work in religious organizations on the territory of Georgia;
 - f) foreigners traveling in Georgia for the purpose of exercising humanitarian assistance or charity activities;
 - g) foreigners who are members of amateur artistic groups, sport teams or organizations coming to Georgia to participate in cultural and sports activities;
 - h) foreigners coming to Georgia as tourists;

- i) foreigners coming to Georgia on private matters, with the purpose of medical treatment, to visit graves of close friends and relatives, also foreigners born and raised in Georgia who visit Georgia;
 - j) foreigners exercising transport carriage to Georgia;
 - k) people with free professions;
 - l) persons crossing Georgia in transit;
 - m) other persons whose term of stay does not exceed 90 days.
2. An ordinary visa shall be issued with a certain period not exceeding one year.
 3. The period of stay in Georgia established by an ordinary visa may not exceed 90 days in case of a six-month visa, and 180 days in case of a one-year visa. Moreover, the uninterrupted period of each entry shall not exceed 90 days.
 4. For a person coming with a transit purpose, the period of stay shall not exceed 72 hours.

Article 10 Residence Visa

1. A residence visa shall be issued to foreigners who have or may have a residence permit in Georgia and resides abroad at the time of obtaining the permit.
2. The issue of granting a residence permit shall be agreed by the Ministry of Justice of Georgia.
3. A residence visa shall be issued with a validity period of one year.
4. A period of stay by the residence visa shall be 180 days.

Article 11 The Procedures Necessary to Obtain Georgian Visa

1. In order to obtain a Georgian visa, a foreigner shall fill in an established application form for issuance, prolongation and termination of the validity of a Georgian visa.
2. The application form shall be attached to the documents envisaged by the Georgian visa issuance procedure, confirming the circumstances, or a visa issuing body should be aware of thereof as follows:
 - (a) purpose and possible conditions of a travel;
 - (b) availability of sufficient means for the anticipated period of travel;
 - (c) health and accident insurance of a person;
 - (d) in case of a transit through the territory of Georgia, availability guarantees for entry into the country of destination;
 - (e) a work permit in Georgia when envisaged so by the legislation of Georgia;

- (f) a residence or a permanent residence permit in Georgia when envisaged so by the legislation of Georgia.
3. On necessity the visa issuing authority may require any supplementary documents, or invite the applicant for an interview in order to verify the following:
 - (i) identity of the applicant;
 - (ii) authenticity of information contained in the application form and enclosed documents;
 - (iii) whether all financial resources are legitimate;
 - (iv) purpose, itinerary and duration of the travel;
 - (v) guarantees for return.
 4. In cases envisaged by this Law or/and by the Regulation on Issuance, Prolongation and Termination of the Validity of a Georgian Visa, an alien may be required to provide an invitation from a natural or legal person, in case of a minor's travel may be required the approved consent of his/her legal representative (or representatives).
 5. For the issuance of a diplomatic and service visa, as a rule, a written request is necessary from the foreign agency, diplomatic representation or consulate of the relevant country.
 6. To issue a Georgian visa, the validity period of the travel document should be longer at least of three months than the validity period of the visa itself.
 7. The decision on the issuance of a visa shall be made, as a rule, within seven days after submission of the application.
 8. The decision on issuing a residence visa shall be issued within a month after submission of the application.
 9. Diplomatic and Service visas shall be issued, as a rule, within seven days.
 10. Diplomatic and service visas for international staff members of the diplomatic representations and consular agencies accredited in Georgia, shall, as a rule, be issued within one month.
 11. The period for issuing visa may be prolonged by a petition of the visa issuance authority for a maximum of one month in accordance to the Rules of Issuance, Prolongation and Cease of Georgia Visa.

Article 12

Grounds of Refusal of Issuing a Visa

1. An alien may be refused the issuance of a visa in cases as follows:

- a) when during her/his previous stay in Georgia, there were established facts of violation of Georgian Criminal Law, or during the last year before submitting an application, the applicant was deported or have not paid the fine prescribed for illegal stay in Georgia.
 - b) when s/he has presented any incomplete or fraud data or documentation in order to receive or extend a visa;
 - c) when s/he does not have health and accident insurance or sufficient means to stay in Georgia, and return back when his/her stay in Georgia may pose a threat to the public order and security, and hinder the protection of health, as well as other rights and legal interests of citizens and residents of Georgia;
 - d) when his/her stay in Georgia may result in the tension of relationships between Georgia and other countries;
 - e) when there is a reasonable doubt that s/he will illegally stay on the territory of Georgia after the validity period of a visa has expired.
 - f) also in other cases envisaged by legislation of Georgia. .
2. A re-application for a Georgian visa may be submitted after one month from the date of refusal of the Georgian visa.

Article 13

Permission for Entry in the Territory of Georgia

1. In order to enter the territory of Georgia, an alien shall be inspected at border crossing points.
2. The inspection of aliens at border crossing points and giving a permit to enter into Georgia shall be carried out by the State Department of State Border Guards answerable to the Ministry of Internal Affairs of Georgia in accordance with the legislation of Georgia.
3. As a result of inspection at the border crossing points, the Department for State Border Guard within the Ministry of Internal Affairs of Georgia shall:
 - a) permit an alien to enter the territory of Georgia when s/he satisfies the requirements established by the present Law;
 - b) reject entrance of an alien and expel him/her in the cases envisaged by the present Law.

Article 14

Grounds for Refusal of Permission

1. Any alien may be denied entry into Georgia, if:
 - a) he or she does not have documents required for entry into the territory of Georgia envisaged by the legislation of Georgia;
 - b) there were established facts of violation of Georgian Criminal Law during her/his previous stay in Georgia, or during the last year before submission of an

- application, the person concerned was deported or have not paid the fine prescribed for illegal stay in Georgia.
- c) s/he has presented any incomplete or fraud data or documentations in order to receive or extend a visa;
 - d) s/he does not have sufficient material means for staying and living in Georgia, or returning back;
 - e) his/her presence in Georgia may pose threat to the public order and security, also to the protection of health, other rights and legal interests of citizens and residents of Georgia;
 - f) his/her presence in Georgia will harm relationships between Georgia and any other foreign country;
 - g) other grounds for refusal envisaged by the legislation of Georgia.
2. Refusal of entrance shall be made in a written form indicating grounds for refusal stipulated in paragraph 1 of this Article.
 3. Any alien who, on the ground of the border inspection results, was refused permission to enter the territory of Georgia shall be expelled.
 4. Any alien who, on the ground of the border inspection results, was refused permission to enter the territory of Georgia and who for any legal or factual reasons is not able to immediately leave the border control zone, shall be temporarily placed under supervision at a special site within the border zone.

Article 15

Responsibilities of Carrier Companies

1. Carrier companies are obliged to:
 - a) Check documents of aliens in order to find out whether they possess a visa or travel documents, envisaged by the present Law, for entry in Georgia.
 - b) Provide presence of aliens for inspection at Georgian border immediately on their arrival.
 - c) Return aliens who were refused an entry into Georgia back to their countries.
2. Carrier companies which transported alien passengers shall be obliged to cover all expenses necessary for transportation back and staying prior to returning back of an alien who was denied entry the territory of Georgia at inspection at border crossing points on the grounds of not possessing a valid visa and travel documents for legal entry to Georgia as envisaged by this Law.

Chapter IV

Stay of Aliens in Georgia

Article 16

Grounds for Stay in Georgia

1. Grounds for the legal stay of an alien in Georgia shall be a visa or a residence permit, unless otherwise provided by this Law and an international agreement by Georgia.
2. There are two types of a residence permit in Georgia: temporary and permanent.

Article 17
Prolongation of Georgian Visa

1. It shall be possible to prolong diplomatic and service visas on the territory of Georgia.
2. Decisions on the prolongation of diplomatic and service visas shall be made by the Ministry of Foreign Affairs of Georgia.
3. The prolongation of diplomatic and service visas shall be possible when the duration of the visa received is not sufficient for accomplishing the mission of the alien's travel to Georgia.
4. As a rule, the decision on prolongation of a visa shall be made within seven days.
5. The aforementioned period may be extended up to one month by the discretion of the visa issuing authority.
6. The provisions of Title II and Chapter III of the present Law shall be applicable for documents submitted for consideration of extension of a visa.

Article 18
Residence Permit Issuing Authority

1. A residence permit shall be issued by the relevant agency of the Ministry of Justice of Georgia.
2. The issues of residence in Georgia shall be discussed and decided according to the procedures established by the President of Georgia.

Article 19
Temporary Residence Permit

1. A temporary residence permit in Georgia shall be issued for no more than a period of six-years to those foreigners willing to stay in Georgia longer than 90 days to the following aliens:
 - a) Implementing a labor activity according to the established regulations of Georgia, including those having free profession.
 - b) has arrived in Georgia for the purpose of medical treatment or study;
 - c) has been invited by a relevant governmental agency, as a highly skilled expert or a cultural worker and his/her invitation is in the interests of Georgia;

- d) is a guardian or custodian of a Georgian citizen;
 - e) is under the guardianship or custody of a Georgian citizen;
 - f) is a spouse, parent, child, adoptive parent, adopted child, sister, brother, grandfather or grandmother of a citizen of Georgia or of an alien having a residence permit in Georgia.
2. Prolongation of a temporary residence permit in Georgia shall be exercised on the same condition as its issuance.

Article 20

Permanent Residence Permit

A permanent residence permit may be granted to the following persons:

- a) an alien who has lived legally in Georgia for the last six years. Living period for medical treatment and working period within the diplomatic and equivalent representation shall not be included in this period;
- b) a spouse, parent, child, adoptive parent, adopted child, sister, brother, grandfather or grandmother of a Georgian citizen;
- c) highly qualified specialist or technicians of scientific fields, sportsmen and artistic workers whose arrival is in the interests of Georgia.

Article 21

Specific Provisions for Acquiring a Permit for Permanent Residence

1. The following categories of aliens shall not need a special permit in order to have permanent residence in Georgia:
- a) Persons who were permanently living on the territory of Georgia up to 27 March 1993 and were not considered as Georgian citizens with the exception of those who were not de-registered after 27 March 1993.
 - b) Persons whose Georgian citizenship has been ceased (through abandoning or losing the citizenship), while staying in Georgia for permanent residence.
2. The specific provision stipulated in paragraph 1 of this Article shall not be applicable to an alien who has received a permanent residence card on the grounds provided in paragraph 1 of the present Article having afterwards permanent residence cancelled.

Article 22

Review and Decision-Making of the Issuance of Residence Permit

1. In order to obtain a residence permit in Georgia, an alien shall apply to the relevant agency of the Ministry of Justice of Georgia personally or through an authorized representative, but in case an alien is outside the territory of Georgia – through a diplomatic representation or consulate of Georgia.

2. A capable person in the age of 18 shall be eligible to apply in the cases envisaged by paragraph 1 of this Article.
3. Time for consideration of the application for granting or prolonging a temporary residence permit shall not exceed 30 days after submission of necessary documentation to the Ministry of Justice.
4. Time for deciding on the application for granting or prolonging a permanent residence permit shall not exceed 30 days after submission of necessary documentation to the Ministry of Justice.
5. After consideration of applications mentioned in this Article, the Ministry of Justice of Georgia shall notify an alien on the results of the review.
6. The decision either on granting or prolonging the residence permit in Georgia may be appealed in accordance with the rules established by the legislation of Georgia.

Article 23

Grounds for refusing to the Residence Permit

An alien may be denied a residence permit in Georgia in the following cases:

- (a) when s/he poses a threat to the safety of Georgian citizens and aliens residing in Georgia, as well as their rights and legitimate interests;
- (b) when s/he does not comply with conditions of temporary residence in Georgia;
- (c) when s/he implements an activity threatening the state security of Georgia;
- (d) if s/he has committed a crime against peace and humanity;
- (e) when s/he is wanted for committing a crime or is convicted for a severe criminal offense for the last five years prior to submission of an application (if the conviction has not been relieved or annulled) or a criminal charge is brought against him/her – until the completion of the criminal proceedings.
- (f) when s/he is sick with any infectious or other types of diseases, seriousness and duration of which may threaten the population of Georgia. The list of such diseases shall be provided by the Ministry of Labor, Health and Social Welfare of Georgia;
- (g) when s/he does not have any legal source of income for living and achieving the aim of living in Georgia, neither being supported fully by other person.

- (h) when s/he presents any false or invalid documents in order to receive a permit of residence in Georgia or a Georgian visa;
- (i) when s/he prior to submission of the relevant application, for the last three years was expelled from the territory of Georgia, or has not paid a fine for his/her staying illegally on the territory of Georgia.
- (j) In other cases envisaged by law.

Article 24
Reapplication for a Residence Permit in Georgia

1. Any alien, who once was refused a permit for temporary residence in Georgia, shall have the right to reapply not earlier than six months after receiving a negative decision on the first application.
2. Any alien, who once was refused a permit for permanent residence in Georgia, shall have the right to reapply not earlier than six months after receiving a negative decision on the first application.

Article 25
Termination of the Term of Stay in Georgia

1. The term of stay of an alien in Georgia may be terminated:
 - (a) in case as a fact, presenting false or invalid documents in order to obtain a Georgian visa, has been revealed;
 - (b) in case s/he implements an activity threatening the state security of Georgia;
 - (c) in case s/he before expiration of the term of stay in Georgia has stopped studying or was excluded from an educational institute of Georgia if the temporary residence was issued on this ground;
 - (d) in case s/he has stopped labor activities and relations on the ground of which s/he obtained a residence permit in Georgia;
 - (e) in case s/he is no longer a guardian or custodian of a citizen of Georgia or is no longer under custody or guardianship of a Georgian citizen, if the permit for residence in Georgia was issued on such a ground;
 - (f) in case s/he marries *pro forma* with the aim to receive a residence permit;
 - (g) in case s/he is expelled from Georgia;
 - (h) when his/her visa has been expired.
2. The decision on termination of the validity of Georgian diplomatic and service visas shall be made by the Ministry of Foreign Affairs, as for termination of the validity of ordinary and residence visas – the Ministry of Justice of Georgia in accordance with the Rules of Issuance, Prolongation and Cessation of the Validity of Georgian Visa.
3. The decision on termination of the validity of the residence permit of an alien shall be made by the Ministry of Justice in accordance with the legislation of Georgia.

4. A Georgian visa shall be no longer valid when:
 - a) an alien granted a visa or permit, obtains a new Georgian visa or permit, the validity of which covers the period of previously issued visa or permit;
 - b) an alien, who was issued the visa or permit, received Georgian citizenship.

Article 26 Registration of Aliens

1. An alien having a residence permit in Georgia shall register him/herself at the place of his/her residence through an agency of the Ministry of Justice of Georgia within one month after entering the territory of Georgia or in case s/he is already on the territory of Georgia after receiving the respective permit.
2. An alien having received a residence permit shall be issued a certificate from the Ministry of Justice of Georgia.
3. The following aliens shall be exempted from the obligation to register in Georgia:
 - (a) staff and family members of officers of diplomatic and other equal representations, consular authorities accredited in Georgia, as well as other persons who by virtue of international agreements by Georgia enjoy relevant privileges and immunities;
 - (b) aliens, holding diplomatic and service passports;
 - (c) other aliens specified by the legislation of Georgia.
4. Aliens, detained or sentenced to imprisonment shall be exempted from the obligation to register or receive a permit for residence during the period of imprisonment.
5. The sample form of template indicating a residence permit and that of a residence card envisaged by this Article shall be established in accordance with the legislation of Georgia.

Chapter V Rights and Obligations of Aliens in Georgia

Article 27 Equality of Aliens in Rights and Obligations, Guarantees for Protection of Their Rights and Freedoms

1. Aliens shall have the same rights and freedoms in Georgia and the same obligations as those of Georgian citizens, unless otherwise provided by the legislation of Georgia.
2. Aliens shall be on equal terms before the law in Georgia irrespective of their origin, social background, property, race, nationality, sex, education, language, religion, political or other opinions, field of activity and any other circumstances.

3. Georgia shall protect the life, personal immunity, rights and freedoms of aliens on its territory.
4. Exercising of rights and obligations of aliens in Georgia shall not infringe the interests of Georgia, or limit the rights or disregard legitimate interests of Georgian citizens and that of other persons residing in Georgia.

Article 28
Obligation to Observe Georgian Legislation

Aliens in Georgia are obliged to observe the Georgian Constitution and legislation, respect the local culture, traditions and custom, as well as rights and freedoms of Georgian citizens.

Article 29
Acquisition of Georgian Citizenship

Pursuant to the Constitution of Georgia and the Organic Law “on Georgian Citizenship”, aliens are entitled to acquisition of Georgian citizenship.

Article 30
Right to Investment and Business Activities

Aliens have the right to be engaged in investment and business activities in Georgia in accordance with the Georgian legislation. In this case they shall have the same rights and obligations as those of Georgian nationals, unless otherwise provided by the legislation of Georgia and its international agreements.

Article 31
Right to Labor Activities

Aliens shall be allowed to exercise labor activities in accordance with the rules established by the legislation of Georgia.

Article 32
Right to Rest

Aliens in Georgia shall have the same rights to rest and enjoyment of their free time as those of Georgian citizens.

Article 33
Right to Healthcare

Aliens have the right to healthcare in Georgia in accordance with the legislation of Georgia.

Article 34
Right to Social Security

1. Aliens permanently residing in Georgia have the same rights to receive allowances, pensions and other social benefits as those of Georgian citizens.
2. Issues of social security of aliens temporarily residing in Georgia and stateless persons shall be resolved in accordance with the legislation of Georgia and international agreements to which Georgia is a party.

Article 35
Property and Personal Non-Property Rights

1. Pursuant to the Georgian legislation, aliens in Georgia shall have the right to own, inherit or bequeath any property, as well as enjoy personal non-property rights.
2. These rights may be limited only by the Georgian legal act.

Article 36
Right to Education

Aliens residing in Georgia shall have the same rights to education as those of Georgian nationals in accordance with the rules procedures established by the legislation of Georgia.

Article 37
Right to Enjoy Cultural Values

1. Aliens in Georgia shall have same rights to enjoy cultural values as those of Georgian citizens.
2. Aliens in Georgia shall be guaranteed the right to use their mother tongue, observe and develop their national culture and traditions, if this does not harm the national security and or public safety of Georgia.
3. All aliens shall be obliged to take care of the Georgian historical and cultural monuments as well as other cultural values.

Article 38
Right to Participate in Political and Public Associations

1. Aliens in Georgia shall not have the right to join any political association active on the territory of Georgia, or be involved in the activities thereof or establish them.
2. Aliens in Georgia shall have the right to establish public associations, join trade unions, scientific, cultural and sports associations and other public associations on equal terms with Georgian nationals, provided this does not contradict laws of such associations and the legislation of Georgia.

Article 39
Marital and Family Relations

1. Aliens in Georgia may marry or divorce a Georgian citizen or any other person in accordance with the legislation of Georgia.
2. With respect of marital and family relations, aliens in Georgia shall enjoy the same rights and have same obligations as those of Georgian nationals.

Article 40
Freedom of Speech, Beliefs, Conscience, Confession and Faith

Aliens in Georgia shall be guaranteed the freedom of speech, belief, conscience, confession and faith on equal terms with Georgian nationals. It is inadmissible to persecute an alien because of his/her expression, idea, confession or faith, or to force them to express their views regarding any of the aforementioned.

Article 41
Freedom of Travel and Choosing of the Place of Residence

1. Aliens legally residing in Georgia shall be free to travel and choose their residence.
2. This right may be limited only by law in order to ensure state security or public safety deemed necessary for existence of a democratic society, or in order to prevent a crime, to exercise the jurisdiction, or to protect rights and legal interests of persons residing in Georgia.

Article 42
Taxation of Aliens

Aliens residing in Georgia shall be subjected to taxation in the same manner as Georgian citizens and stateless persons having the permanent residence right in Georgia, unless otherwise provided by the legislation of Georgia or the international agreement by Georgia.

Article 43
Guaranteeing Personal Rights of Aliens

Aliens in Georgia shall be guaranteed rights to personal immunity and inviolability of the home, as well as non-interference into the personal and family life, respect of their dignity and reputation, right to confidentiality of correspondence, and the right to individual development in economic, social and culture fields.

Article 44
Protection of Rights of Aliens

1. Aliens shall have the right to apply to courts and other state bodies in order to protect their personal, property and other rights.
2. During the proceedings aliens shall enjoy the same procedural rights as those of Georgian citizens.
3. Aliens shall have the right to apply at any time to the diplomatic representation or consular office of the country of their citizenship, or where they permanently reside, or which has the authority to protect their rights and legal interests.
4. Upon detention of an alien, the law enforcement bodies of Georgia shall notify about the fact the relevant diplomatic representation or consular authorities or the Ministry of Foreign Affairs of Georgia.

Article 45
Relation to Elections and Referendum

No alien shall have the right to participate in elections or shall be elected to any self-government or state authorities, or to participate in a nation-wide referendum.

Article 46
Relation to Military Service

Foreign nationals shall not be obliged to serve in the armed forces of Georgia.

Article 47
Right to Invitation

Aliens who have a residence permit in Georgia may invite their family members and relatives to Georgia.

Article 48
Granting Asylum

Aliens may be granted asylum in Georgia in accordance with the Constitution, the international agreements and the legislation of Georgia.

Article 49
The Privileges and Immunities

1. The provisions of this Law shall not apply to the privileges and immunities of foreign personnel of diplomatic and equal representations consular authorities accredited in Georgia, as well as to the privileges and immunities of those family members and persons enshrined by the legislation of Georgia and international agreements.
2. Decision on declaring a person as *persona non grata* shall be decided by the President of Georgia.

Chapter VI
Exit of Aliens from Georgia

Article 50
General Requirements for the Exit of Aliens from Georgia

1. Aliens legally staying in Georgia shall leave the country through border crossing points open for international traffic, if they have a valid travel document and a permit for staying in Georgia, unless otherwise provided by the international agreement and legislation of Georgia.
2. At the time of exit from Georgia, an alien shall be inspected at the border crossing point by the Department of State Border Protection answerable to the Ministry of Internal Affairs.
3. An alien shall leave the territory of Georgia before the expiration of the term of legal stay in Georgia.
4. When an alien leaves the territory of Georgia within ten days after the term of his legal stay in Georgia expires, s/he shall not be fined for administrative penalties.
5. An alien having been staying in Georgia up to three months after the term his/her legal stay has expired, and wants to exit voluntarily from the country, shall have the right to leave the territory of Georgia without any obstacles. Furthermore, s/he shall pay the particular amount of fine before or after the exit the country. In case of failing to pay the sum s/he shall not be issued a Georgian visa and a permit to enter the territory of Georgia until the debt is covered.

6. An alien having been staying in Georgia more than three months after the term of his/her legal stay has expired, and wants to exit voluntarily from the country, shall have the right to leave the territory of Georgia without any obstacles. Furthermore, s/he shall pay the particular amount of fine before or after the exit the country. The alien shall not be issued a Georgian visa and a permit to enter Georgia for one year.
7. In cases stipulated in the paragraphs V and VI of the present Article, an alien shall leave the territory of Georgia within ten days after the fact of his/her illegal stay in Georgia has been revealed.
8. The obligation of an alien to leave Georgia may be postponed:
 - a) if s/he has submitted a motion to the Ministry of Justice of Georgia to obtain either a residence permit in Georgia or the citizenship of Georgia – until a decision is made on the issue, but not exceeding the period of three months;
 - b) in the cases of sickness and child birth when according to a medical report further travel would endanger his/her health. In such a case family members and accompaniments of the person concerned may stay with him/her;
 - c) when because of the *force major*, unforeseen circumstances or other good reasons s/he cannot leave the territory of Georgia during the period of legal stay in Georgia;
 - d) when during the transit through territory of Georgia s/he is forced to stay on the territory for more than 72 hours. In such a case forced stay would presuppose:
 - i. a natural disaster hindering movement of the train, vehicle, ship or plane;
 - ii. a sickness, when according to a medical report, further travel will risk the health of the sick person. In such a case family members and accompaniments of the patient may stay with her/him.
 - iii. necessary repair of the transport means or a traffic accident;
 - iv. delay in changing the means of transportation;
 - v. other cases where it is deemed impossible to move from one place to another without any obstacles;
 - vi. when there is a decision made to deport the alien – until the execution of the deportation.

Article 51

The Refusal for Crossing the Border and Postponement of Exit

1. Any alien may be refused to exit Georgia in the following cases where:
 - (a) the relevant decision is made by a court;
 - (b) s/he is convicted for a crime – before and after the execution of the sentence of imprisonment;
 - (c) s/he avoids to fulfill the obligation assigned by the administrative body – until the fulfillment thereof;
 - (d) in other cases provided for by the legislation of Georgia.

2. In cases envisaged by the present Article the State Department for State Border Protection can detain an alien and transfer his/her custody to the law-enforcement authorities of Georgia.

Section III
The Responsibilities and Deportation of Aliens

Chapter VII
General Provisions for the Deportation of Aliens from Georgia

Article 52
Legal Grounds for the Deportation of Aliens from Georgia

Legal grounds for the deportation of aliens shall be provided by the Constitution of Georgia, the Code of Administrative Offences of Georgia, the present Law and other relevant normative acts.

Chapter VIII
The Procedure of Consideration and Decision Making of the Issue of
Deportation of Aliens from Georgia

Article 53
The Deportation of Aliens from Georgia

An Alien may be deported from Georgia in cases where:

- (a) S/he has illegally entered to Georgia;
- (b) There are no longer legal grounds to justify his/her further stay in Georgia;
- (c) Her/his residence in Georgia contradicts the interests of national security and public order;
- (d) Her/his deportation is necessary for the protection of public health, rights and legitimate interests those of Georgian nationals and other persons legally staying in Georgia.
- (e) S/he regularly violates Georgian laws;
- (f) S/he obtained legal grounds for entry and staying in Georgia through providing forged or invalid documents;
- (g) S/he has committed one or several malicious crimes, after expiration of the term, for which s/he was sentenced to more than one year of imprisonment.

Article 54
The Start of Consideration of the Issue on Deportation of Aliens from Georgia

1. The decision regarding the deportation of aliens on the grounds envisaged in paragraphs ‘a’ and ‘b’ of Article 53 of the present Law shall be made by the Ministry of Justice, as for the grounds given in paragraphs “c-g” of the same Article – by court. The basis of initiating a review of the issue shall be the report of the expediency of deportation of an alien from Georgia, submitted by the following authorities:

- a) The Ministry of Justice of Georgia;
 - b) The Ministry of Interior of Georgia.
2. Other state authority, within its field of competence may have particular data proving the expediency and validity of deportation of an alien from Georgia shall present relevant evidences in writing to the decision-making authority for further consideration and reaction.
 3. The opinion envisaged in paragraph one of the present Article shall be attached to relevant evidences certifying the expediency and validity of deportation of an alien from Georgia.
 4. The decision-making authority on deportation of an alien shall be authorized to launch the review on its own initiatives provided the ground stipulated in the Article 53 of the present Law is known and the authority has the evidences proving the fact.

Article 55
The Decision Making on Deportation of an Alien from Georgia

1. A competent authority shall review the report on the expediency of deportation and shall made one of the following decisions:
 - a) deportation of an alien from Georgia;
 - b) refusal of the deportation of an alien from Georgia.
2. The decision on deportation made by the Ministry of Justice shall include the term for an alien's voluntarily departure from the territory of Georgia.
3. The decision-making body introduces an alien his/her rights and obligations;
4. If an alien does not leave the territory of Georgia voluntarily, s/he shall be expelled forcedly.

Article 56
Appealing the Decision on Alien's Deportation from Georgia

The decision on deportation of an alien from Georgia may be appealed in accordance with established rules of the legislation of Georgia.

Chapter IX
Execution of the Decision on Deportation of an Alien from Georgia

Article 57
The State Agency Authorized for the Execution of Decisions on Deportation

1. The decision on deportation of an alien from Georgia shall be executed by the Ministry of Justice of Georgia.
2. Any state body shall facilitate the execution of the decision on deportation of an alien from Georgia within their own competencies.
3. The decision on deportation of an alien from Georgia shall be forwarded to the Ministries of Justice, Foreign Affairs, and Internal Affairs of Georgia.

Article 58

Countries where an Alien may be Deported to and the Specific Circumstances

1. An alien may be deported to:
 - a) the country of citizenship or permanent residence of the alien;
 - b) the country where the alien entered Georgia from;
 - c) any country, which expresses readiness to receive the alien.
2. The deportation of an alien shall not be allowed to the country:
 - a) where s/he is persecuted for political beliefs or activities not deemed as crime under the legislation of Georgia;
 - b) where s/he is persecuted for protecting human rights and peace, for progressive social, political, scientific and other activities;
 - c) His/her life and health is under threat.
3. The following persons shall not be expelled from Georgia:
 - a) an alien having a residence permit in Georgia and has been living in Georgia for last three years without violating laws of Georgia;
 - b) An alien who was born in Georgia and has a residence permit in Georgia and has been living in Georgia for one year without violating laws of Georgia;
 - c) An alien who is a minor having a residence permit in Georgia and has been living in Georgia for the last one year without violating the law of Georgia;
 - d) An alien under the custody of guardianship of a Georgian national;
 - e) Other persons envisaged by the legislation of Georgia.
4. The persons mentioned in paragraph 3 of the present Article may be expelled only in the case where the state security and public order of Georgia will be specifically harmed.
5. While determining the issue on deportation the following elements may be taken into consideration:
 - a) Length of legal stay in Georgia, personal, social, economic and other links.
 - b) likely consequences for the person and his/her family after the deportation.

Article 59

The Funding of the Execution of the Deportation

1. All expenditures related to the deportation shall be funded by an alien concerned, his/her host natural or legal person.
2. Expenditures shall be covered partly or fully by the state of Georgia if the reimbursement is impossible according to the paragraph 1 of this Article.

Article 60

The Supervision of the Execution of Deportation of an Alien from Georgia

1. The Ministry of Justice of Georgia shall be notified on the execution of the deportation of an alien from Georgia not later than three days.
2. The registration and supervision of the deportation of aliens from Georgia shall be executed by the Ministry of Justice of Georgia.

Article 61

Restriction on Entering to Georgia by the Deported Aliens

An alien having been deported from Georgia shall not be issued a Georgian visa, a permit to enter Georgia and a residence permit for one year.

Chapter Administrative Detention of an Alien

Article 62

The Administrative Detention of an Alien

1. An alien subject to deportation may be detained due to administrative procedure in accordance with the present Law.
2. The detained alien shall be presented to the court no later than 48 hours after the detention in order to determine the expediency of the administrative detention. In case the court does not issue a decision in the next 24 hours the alien shall immediately set free.
3. The administrative detention of an alien shall be extended accordingly:
 - a) until verifying the identity, citizenship, permanent residence or the country from which the alien has entered Georgia;
 - b) until the end of execution of the deportation of an alien from Georgia.
4. The state authority having initiated the detention of an alien is responsible for verifying the data given in paragraph 3 of the present Article in reasonable terms.

Chapter XI Responsibilities of Aliens

Article 63
Responsibilities for the Breach of Georgian Legislation

Aliens who breach the law of Georgia shall be imposed either criminal, civil or administrative penalties in accordance with established procedures.

Article 64
Responsibilities for Non-observance of this Law

The breach of requirements of this Law shall entail penalty in accordance with the Georgian legislation.

Title Four - Concluding and Interim Provisions

Chapter XII
Concluding and Transitional Clauses

Article 65
Fee

1. Aliens shall pay consular fee for the issuance and extension of Georgian visas in accordance with the Georgian Law “on Consular Fees”.
2. In order to determine and resolve the issue of granting a residence permit in Georgia, aliens shall pay state tax in accordance with the Georgian Law “on State Fee”.

Article 66
Unified Migration Databank

In order to have operational information exchange and common usage of information on the issuance, prolongation, cancellation of residence permits, and registration and deportation of aliens, as well as other relevant data as envisaged by the legislation of Georgia thereof, the Unified Migration Data Bank shall be created.

Article 67
Normative Acts Losing the Force

The following legal acts shall be declared invalid immediately upon the entry into force of the present Law:

- (a) Georgian Law “on Temporary Entry, Stay and Exit of Aliens from Georgia” of 27 July 1993 (Bulletin of Georgian Parliament, 1993, p. 185);

- (b) Georgian Law “on Immigration” of 27 July 1993 (Bulletin of Georgian Parliament, #9 July 1993. p. 183);
- (c) Georgian Law “on Migrant Inspection” of 26 June 1998 (Bulletin of Georgian Parliament, #25-26, 15.07.1998, p 24);
- (d) Georgian Law “on Migrant Inspection Fee” of June 26 1998 (Bulletin of Georgian Parliament, #25-26, 15.07.1998 p. 26);
- (e) Georgian Law “on Legal Status of Aliens” of 3 June 1993 (Bulletin of Georgian Parliament, #8, June 1993 p.127);
- (f) Decree #111 of the President of Georgia of 28 March 2000 “on the Approval of the Provision on the Temporary Procedure for Deportation of Aliens from Georgia”.

Article 68
Measures Necessary for Enforcing this Law

1. The President of Georgia shall ensure the following measures within six months from entering into force of the present Law:
 - a) Approve the regulation of issuance, prolongation and termination of visas;
 - b) Approve the regulation of review and determination of the issue of the residence permit in Georgia;
 - c) Approve the regulation of registration aliens in Georgia;
 - d) Approve the regulation of declaring a person as “*persona non grata*”;
 - e) Reconcile other sub-normative legal acts in compliance with the present law;
 - f) Approve the regulation of deportation of aliens from Georgia.

2. The Government of Georgia shall ensure the following within six months after adoption of the present law:
 - a) Reconcile sub-normative acts in compliance with the present law;
 - b) Formation of the facilities for the center of administrative detention of aliens;
 - c) Decision of the issues of funding allocation for deportation of aliens from Georgia.

3. The Government of Georgia shall ensure within six months from the adoption of the present law to draft and submit to the Parliament the following normative acts:
 - a) Draft law of amendments to the Law of Georgia “on State Fee”;
 - b) Draft law of amendments to the Law of Georgia “on Consular Fee”;
 - c) Draft law of amendments to the Code of Administrative Offences of Georgia;
 - d) Draft law of amendments to the law of Georgia “on Execution Proceedings”.

4. The Government of Georgia shall ensure within a year from the entering into force of the present Law the necessary measures for creation the Unified Databank of Migration.

Article 69
Entry into Force of the Law

The Law shall come into force on 1 July 2006.

Mikhail Saakashvili
President of Georgia

Tbilisi
27 December 2005