

Government of Georgia

Ordinance No 523

1 September 2014, Tbilisi

On Approval of the Procedures for Determining the Status of a Stateless Person in Georgia

Article 1

Under Article 22(7) and Article 71(1)(e) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, the Procedure for Determining the Status of a Stateless Person in Georgia attached to this document shall be approved.

Article 2

The Ordinance shall enter into force from 1 September 2014.

Prime Minister

Irakli Gharibashvili

Procedure for Determining the Status of a Stateless Person in Georgia

Article 1 - General provision

These Procedures for Determining the Status of a Stateless Person in Georgia (the Procedure) governs matters relating to the submission, review and making a decision on an application for determining the status of a stateless person in Georgia ('the Status').

Article 2 - Basic conditions for determining Status

1. The Status shall be granted to a person who is not a Georgian citizen and who is not deemed by any state to be its own citizen under its legislation.
2. Any person staying in Georgia, whether lawfully or unlawfully, in respect of whom the decision of removal from Georgia has not been made, may request a determination of Status.

Article 3 - Documents to be submitted

1. For Status determination, the person concerned shall apply to the Legal Entity under Public Law (LEPL) - Public Service Development Agency within the Ministry of Justice of Georgia ('the Agency'). Two 3x4cm photos, a receipt evidencing payment of the service fee, an identification or travel document issued by a foreign country (if any) or any other document confirming the statelessness of the Status seeker shall be attached to the application. If an applicant does not have the required documents, he/she shall indicate the reason for the absence of documents in the application.
2. If the actions provided in these Procedures are performed by an authorised person, the document evidencing their representative powers shall be submitted to the Agency.
3. The application shall contain the following basic data of the Status seeker:
 - a) identification details (name, surname, or if the name has been changed, the previous name and surname, previous citizenship, sex, date and place of birth, mother's maiden and married surnames)
 - b) details (document type and number, validity period, place and date of issue, issuing authority) of the identification or travel document issued by a foreign country (if any)
 - c) marital status, date of marriage, citizenship and date of birth of children, name, surname and citizenship of the spouse (former spouse)
 - d) countries of residence and the period of residence in those countries
 - e) education



- f) workplace
 - g) actual place of residence.
4. If the Status seeker changes the place of residence in Georgia he/she shall inform the Agency.
5. The form of application for determining Status shall be approved by order of the chairperson of the Agency. The order may determine additional details of the application.

Article 4 - Types of communication

1. Communication with an applicant shall be by publishing a relevant notice on the Agency website. An applicant may indicate an additional form of communication with the Agency in his/her application: e-mail or official communication of the relevant notice/decision (delivery or sending by post within the territory of Georgia).
2. In the course of reviewing and making decisions on applications regarding the matters provided in these Procedures, communication between the Agency and other public authorities may be carried out both in writing and electronically.

Article 5 - Authority to submit applications

1. A legally competent person may apply for Status determination. Matters related to persons under age of 18 shall be reviewed based on the application of their legal representative.
2. When applying for Status determination, the Status seeker shall be informed of the applicant's rights and duties in an administrative proceeding, as well as of the legal implications of the decision on determining the Status.

Article 6 - Reviewing applications

1. If a Status seeker does not have an identification or travel document, the Agency shall determine the identity of the Status seeker. To determine valid details about the Status seeker, the Agency shall request and obtain from Georgian and/or foreign authorised bodies civil registration records and/or a record/information on the issuance of the identification document of the Status seeker. If the Agency fails to obtain such data/record/information, the person's identity may be verified by written information provided by the authorised person of the state or local self-government body, medical or educational (childcare) institution or an international or non-governmental organisation, as well as by notarised written information submitted by two persons of full age and capacity.
2. To determine the identity of a Status seeker, the Agency may invite the Status seeker for an interview. The person invited for the interview shall be given at least five calendar days' notice of the date of the interview.
3. At the interview an applicant shall present information necessary for making a decision on determining the Status. The authorised persons of the Agency shall conduct the interview. Interview minutes shall be prepared and confirmed by the signatures of the authorised persons of the Agency and the Status seeker.
4. An interview with a minor or a person with disability shall be conducted in the presence of his/her legal representative or guardian/custodian.
5. If the circumstances provided in Article 2 and Article 4(1) and (2) of the Law of Georgia on Refugee and Humanitarian Statuses are discovered at any stage of the Status determination proceedings, the Agency shall suspend the administrative proceedings and forward the materials of the administrative proceedings, not later than three business days from the discovery of the circumstances, to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia to initiate refugee or humanitarian status determination administrative proceedings.
6. To obtain information necessary for making a decision on determining the Status, the Agency may use the assistance of Georgian diplomatic missions and consular offices abroad, other public authorities, and international or non-governmental organisations.
7. The Agency may request and obtain from public authorities information on whether the determination of the Status of the Status seeker is in the interests of national security and public order. Public authorities shall provide the requested information to the Agency within 30 calendar days. If the information is not provided within this period, the grounds for denying the determination of the Status shall be deemed not to exist.
8. In derogation from the second, third, sixth and seventh paragraphs of this article the Status may be determined if:
 - a) the person concerned had permanently resided in Georgia by 31 March 1993, was not deemed as a Georgian citizen and has not been removed from permanent registration in Georgia after 31 March 1993;
 - b) his/her Georgian citizenship has been terminated by reason of renunciation of Georgian citizenship.

Article 7 - Legal guarantees, rights and duties of Status seekers

1. In the course of Status determination administrative proceedings, the Status seeker shall be provided by the Agency with free services of an interpreter. The Status seeker may also enjoy legal assistance of international and non-governmental organisations.
2. The period of stay in Georgia during the Status determination administrative proceedings shall be regarded as a lawful stay for the Status seeker who



is staying unlawfully in Georgia.

3. A Status seeker unlawfully staying in Georgia may not be removed from Georgia during Status determination administrative proceedings.
4. The Agency shall issue a temporary identification card to a Status seeker valid for one year. After the decision is made on determining or on refusing to determine the Status, the temporary identification card shall be cancelled.
5. A Status seeker shall submit to the Agency any document or information required for determining the Status and shall cooperate with the Agency in verifying the circumstances necessary to determine the Status.
6. If a Status seeker is no longer interested in determining the Status, he/she may apply in writing to the Agency at any stage of the administrative proceeding and request termination of the administrative proceedings.

Article 8 - Decision on determining the Status

1. Public authorities shall submit to the Agency any information that may influence a decision on Status determination.
2. The application for determining the Status shall be reviewed and a decision shall be made within six months after receipt of the application. To obtain the documents/information necessary to establish circumstances essential for reviewing and making a decision on Status determination, the Agency may extend the application review period by a maximum of three months.
3. Based on the documents submitted by the Status seeker and on those obtained by the Agency, the Citizenship and Migration Office of the Agency ('the Office') shall prepare an opinion on determining or denying the Status to the Status seeker.
4. Based on the opinion of the Office, the chairperson of the Agency shall make a decision on determining or denying the Status. The applicant shall be informed of the decision within three business days after it is made.
5. If the decision on Status determination is positive, the decision shall make an indication regarding the issuance of a residence permit of a stateless person to the Status seeker.

Article 9 - Grounds for terminating Status determination administrative proceedings

Status determination administrative proceedings shall be terminated if:

- a) the Status seeker has died;
- b) the Status seeker avoids appearing for the interview despite having been duly informed;
- c) the Status seeker has lost interest in determining the Status in Georgia;
- d) the Status seeker is not cooperating with the Agency in establishing the circumstances necessary for determining the Status;
- e) refugee or humanitarian status has been determined for the Status seeker.

Article 10 - Grounds for refusing Status determination

A Status seeker may be refused Status determination on one of the following grounds:

- a) if it has been established that he/she has Georgian or foreign citizenship;
- b) if, for the purpose of determining the Status, he/she has submitted false documents or information on circumstances essential for determining the Status;
- c) if there is an opinion of a competent authority stating that it is not recommended for the person to reside in Georgia due to national and/or public security interests;
- d) if the person cannot be identified;
- e) if the circumstances under Article 1(2) of the UN Convention relating to the Status of Stateless Persons of 28 September 1954 apply to him/her.

Article 11 - Grounds for Status termination

1. A person's Status shall be terminated if:
 - a) he/she has acquired Georgian or foreign citizenship or it has been established that he/she has Georgian or foreign citizenship;
 - b) the grounds provided in Article 10(b), (c) or (e) of these Procedures have been detected;
 - c) any contracting state of the UN Convention relating to the Status of Stateless Persons of 28 September 1954 took him/her under its responsibility in



compliance with the requirements of the Convention.

2. The decision on terminating the Status shall enter into force one month after it is made.

3. Public authorities shall inform the Agency of the grounds for terminating the Status.

4. If a person is denied the Status determination or if his/her Status is terminated, he/she shall be subject to the requirements provided in the Law of Georgia on the Legal Status of Aliens and Stateless Persons with respect to lawful stay and departure from Georgia.

Article 12 – Procedure for appealing decisions on Status determination

The decision of the Agency on refusing to determine the Status or on terminating the Status may be appealed to a court, in the manner established by law, within one month after communication of the decision.

