

**LAW OF GEORGIA
ON REFUGEES
As amended on 27 April 2005**

This Law is based on the Constitution of Georgia and universally recognized principles of international law, determines the legal status of refugees and asylum seekers in Georgia; procedures and rules of granting, termination and revocation of refugee status; legal, economic and social guarantees of refugees.

Article 1. Term - refugee

1. Refugee is a person without Georgian citizenship who entered the territory of Georgia and to whom Georgia is not the country of origin and who was forced to leave his country of citizenship or permanent residence as a result of persecution for the reasons of race, religion, national identity, membership of a social group or political opinion and who is unable or is unwilling avail himself of the protection of his country owing such danger.
2. Refugee status shall not be granted to a person falling outside the scope of application of the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

Article 2. Procedure of Applying for Refugee Status

1. A person who entered the territory of Georgia as a result of events specified in Article 1, paragraph 1 herein, shall in person apply to the Ministry of Refugees and Accommodation of Georgia (herein after the Ministry) for refugee status.
2. The Ministry shall reach a decision on the registration of the person as seeking refugee status within 3 days from the date of filing the application and issue respective Notice.
3. A questionnaire shall be filled in for a person registered as seeking refugee status where information about him is given. The standard form of the questionnaire shall be approved by the Ministry
4. In case of mass influx of stateless persons for the reasons set out in Article 1, paragraph 1 hereof, the Ministry shall reach a decision in view of the general situation in the country.

Article 3. Rights and Obligations of the Persons Seeking Refugee Status

1. A person who registered pursuant to Article 2 hereof shall be given, within 5 days upon registration, a notice for the temporary settlement and permission to one time free travel and cargo shipment to the specified place of settlement.
2. Before granting refugee status and in accordance with the legislation of Georgia, person seeking refugee status shall have the right:
 - a) To enjoy freedom of movement, live in the place of temporary settlement and enjoy communal services;
 - b) to receive a established amount of food ration;
 - c) to receive one time financial or other assistance in amount established by the legislation of Georgia;
 - d) To enroll his/her child to a state pre-school or secondary educational institution.
3. Person seeking refugee status is obliged:

- a) to submit necessary documents for consideration of asylum application to the relevant service of the Ministry;
 - b) to travel within 15 days upon the receipt of the permit for the temporary settlement, to the place of temporary settlement and immediately inform the respective service of the Ministry thereon;
 - c) to abide by the legislation of Georgia and the established rules on living in the place of temporary settlement;
 - d) to go through the compulsory medical check-up at a health care institution within the fixed timeframe
4. In case of denial of registration a person shall be given, within no later than 5 days upon reaching the decision, a written notice on the reasons for the denial along with the appeal procedure against the decision.
 5. The person may appeal against the denial of registration within 15 days upon receiving the notice from the Ministry.
 6. The decision of the Ministry on the denial of registration may be appealed against in court pursuant to the legislation of Georgia.
 7. The person seeking the refugee status shall be exempted from any fees related to consideration of his/her application and shall enjoy free interpreter's services.

Article 4. Rules of Granting Refugee Status

1. The decision on granting refugee status shall be reached by the Ministry within 4 months upon the registration of his/her application.
 - 1' Person seeking refugee status shall be interviewed before his recognition as a refugee. A person shall be notified three days in advance concerning the interview date. A person seeking refugee status shall enjoy qualified translator's services throughout the interview.
 - 1'' Refugee status determination procedures in accordance with this Law shall be determined by the Ministry.
2. Person recognized as a refugee shall be receive a certificate of the established form within five days upon the decision-making.
3. Person recognized as a refugee shall undergo annual registration. The rules of annual registration shall be determined by the Ministry.
4. The case of the denial of refugee status, a person shall be given a written notice specifying the reason(s) for the denial within 5 days upon making a decision.
5. The decision of the Ministry on the denial of refugee status to a person may be appealed against in the court according to the legislation of Georgia.
6. Before the court makes a decision on the appeal, the appellant shall enjoy the rights set out hereunder in Article 3.
7. A person concerned and the relevant bodies of the executive authorities shall be immediately notified about the court decision.

Article 5. Rights of the Refugee

The refugee shall have the right:

- a) to live 6 months in the place of temporary settlement, exercise all rights provided for by Article 3 hereunder and, at the same time, to choose one of the populated areas offered by the Ministry for living or the residential place where his/her relatives live in case there is consent on the part of the latter pursuant to the legislation of Georgia.

- b) to file an application to the Ministry of Justice for being granted the refugee status pursuant to the Organic Law of Georgia on “the Citizenship of Georgia”;
- c) to voluntarily return to the country of his/her permanent residence or leave for another country;
- d) to exercise all rights provided for by the Law of Georgia on “the Legal Status of Aliens”.

Article 6. Obligations of the Refugee

The person holding the refugee status shall be obliged:

- a) to comply with the legislation of Georgia;
- b) to inform the ministry in advance that he/she is willing to change the place of residence chosen earlier.
- c) Undergo annual registration.

Article 7. Obligations of the Executive Authorities, Local Self-government and Administration Bodies towards the Refugee

Executive authorities, local self-government and administration bodies shall be obliged:

- a) to present a list of populated areas recommended by the Ministry as well as the information on the living conditions and employment opportunities in the area to the refugee;
- b) to provide a dwelling place to the refugee who has arrived in the place of temporary residence according to the permit of the Ministry;
- c) to assist the refugee in finding a job according to his/her specialty and qualifications in consideration of the population employment level in the region;
- d) in case of lack of opportunities for the local employment the Ministry for Social security, Labor and employment, on the basis of the permit of the Ministry, must register the refugee as an unemployed and help him/her in finding a job;
- e) to secure the places in the public social security institutions to the refugees; first of all to the single, large families, the old and disabled who are in need of care;
- f) to help the refugee children in enrolling them into the state pre-school and secondary educational establishments;
- g) to appoint and regularly give financial aid to the refugee from the state budget in conformity with the legislation of Georgia;
- h) to assist the refugee to voluntarily return to the country of his/her permanent residence.

Article 8. Legal Guarantees of the Refugee

1. The rights of the refugee shall be protected by the state.
2. It shall be inadmissible, before the termination of the circumstances hereunder provided for by Article 1, to return the refugee against his/her will, to the country of his/her citizenship or permanent residence.
3. The decision of public bodies or civil servants which encroach upon the refugee rights prescribed by the legislation of Georgia may be appealed against according to the rule established by the legislation of Georgia.

Article 9. Acquiring Citizenship of Georgia by the Refugee

The refugee shall acquire citizenship of Georgia in compliance with the Organic Law of Georgia on the Citizenship of Georgia.

Article 10. Termination and Revocation of Refugee Status

1. The refugee status shall be terminated to the person if he/she:
 - a) obtained citizenship of Georgia or any of any other country;
 - b) voluntarily re-availed himself of the protection of the country which he had left under duress;
 - c) traveled outside Georgia for permanent residence;
 - d) if the circumstances set out in Article 1 hereof no longer exist.
 - e) Court recognized him as missing or diseased.
 - f) Diseased.
- 1'. Refugee status of a person may be reinstated if a court has annulled its decision as set forth in the sub-paragraph "e";
2. Refugee status shall be revoked if he/she deliberately presented inaccurate information or false documents or in violation of this Law.
3. The decision on the termination or revocation of refugee status shall be reached by the Ministry. The decision of the Ministry on termination or revocation of refugee status may be appealed against in the court within one month in accordance with Georgian legislation.

Article 11. Suspension of Social and Economic Guarantees to the Refugee

1. The Articles 5 and 7 hereof shall be suspended for the refugee who:
 - a) left the territory of Georgia for more than one month;
 - b) committed a crime for which a court sentence of imprisonment was enforced.
 - c) Failed to undergo annual registration.
 - d) Personally refused to receive state allowance in accordance with Georgian legislation.
2. Decision on the suspension of social and economic guarantees to the refugee shall be made by the Ministry.

Article 12. Rendering Assistance to the Refugee

1. The questions on receiving, distribution, granting refugee status, accommodation, employment, education and security of the persons stipulated in Article 2 hereof shall be dealt with by the Ministry by agreeing with the relevant organs of the executive authorities of Georgia.
2. The Ministry shall coordinate the activities of the relevant organs of the executive authorities of Georgia with regard to rendering assistance to refugees.

Article 13. Expenses Related to the Receipt and Accommodation of Refugees

1. The expenses of the executive authorities of Georgia, local self-administration and governmental bodies incurred by the receipt and accommodation of the persons and refugees provided for by Article 2 herein shall be covered by the Ministry from the funds earmarked for this purpose by the budget.
2. In case of inability for Georgia to settle financial issues related to the refugees Georgia shall ask foreign governments and international organizations for help in this respect.
3. Georgia shall cooperate with foreign countries and international organizations on refugee problems pursuant to international agreements.

Article 14. Responsibility for Violating this Law

Responsibility for violating this law shall be born according to the legislation of Georgia.

Article 15. Conclusive Provision

This law shall become effective upon its promulgation.

President of Georgia

Tbilisi

February 18, 1998

Eduard Shevardnadze

As amended in Tbilisi

2005, 8 April

Promulgated in # 18 "Matsne"

27 April 2005

Part I