

## Law of Georgia "On Refugees"

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Author Republic of Georgia

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The law determines the legal status of refugees in Georgia, the procedure of its granting and loss, legal, economic and social guarantees for those, having no Georgian citizenship, who were forced to leave the country of their citizenship or the country of permanent residence and entered the territory of Georgia.

### Article 1. Definition of the term "refugee"

1.1 A refugee is a person who entered the territory of Georgia and for whom Georgia is not his/her country of origin and who, owing to a well grounded fear to become a victim of persecution for reasons of race, religion, membership of a particular social group or political opinion, left the country of his nationality or permanent residence, entered the territory of Georgia and cannot or, due to this fear, does not want to enjoy protection of his country.

1.2 Refugee status is not granted to persons regarding whom there are serious grounds to: they had committed a crime against peace, war crime or crime against humanity, or a crime of a non-political nature before they entered the territory of Georgia.

### Article 2. The procedure of applying for the refugee status

2.1 According to par. 1 of the present law a person who came to Georgia should immediately apply in person for a refugee status to the relevant offices of the Ministry for Refugees and Accommodation.

2.2 The relevant offices of the Ministry for Refugees and Accommodation decides on the registration of the application within three days from the date of application.

2.3 If after the interview it will be clear that the application for refugee status is not well founded, the relevant services of the Ministry of Refugees and Accommodation refuse the registration. The refusal on registration may be informed to the person within three days.

2.4 In case of a mass influx to Georgia, and taking the reasons enlisted in para 1.1 of the present law into consideration, the relevant offices of the Ministry for Refugee and Accommodation will take the decision considering the general situation of the country.

## **Article 3. Rights and obligations of persons applying for the refugee status**

3.1 A person, registered according to Article 2 of the present law by a relevant office of the Ministry for Refugee and Accommodation, gets a permit for temporary residence and the right for a free lump-sum travel and baggage allowance to get to the place of temporary residence.

3.2 Before a refugee status is granted to a person, the applicant has the following rights according to the established Georgian legislation:

3.2.1 to live in the place of temporary residence and use utilities;

3.2.2 to get an established set of food items;

3.2.3 to get a lump-sum financial or other help from the state budget in the amount defined by the Georgian legislation.

3.2.4 to place his/her child at the day care centres and general educational institutions.

3.3 A person, applied for the refugee status is obliged:

3.3.1 to provide a relevant office of the Ministry of Refugees and Accommodation with information necessary to consider the application;

3.3.2 to settle at the place of temporary residence within 15 days after the receipt of the permit and to inform the relevant office about it;

3.3.3 to obey Georgian legislation and follow the regulations and order at the place of temporary residence;

3.3.4 to get a medical check within the set time limits in the health institutions.

3.4 In case of the refusal in registration the person will be notified in writing within 5 days about the reasons and will be informed about the rules of appeal.

3.5 Within 15 days after the refusal in registration of the application is received it can be appealed against at the Ministry for Refugees and Accommodation.

3.6 The decision of the Ministry of Refugees and Accommodation concerning the refusal in registration can be appealed against at the court according to the rules established by the legislation of Georgia

3.7 A person mentioned in Article 2 of the present law is exempt from any payments and gets free services of an interpreter during the time his application is being considered.

## **Article 4. Procedure of recognising a person a refugee**

4.1 The decision of recognising a person as a refugee is taken within 4 months after the registration of the application by the Commission, set up at the Ministry for Refugees and Accommodation.

4.2 In case a person is recognised as a refugee an identification card of a set design is given to him/ her within 5 days.

4.3 Re-registration of a person recognised as a refugee must be annual.

4.4 In case of refusal to grant a refugee status the person will be informed in writing about the reasons within 5 days.

4.5 The refusal by the Ministry of Refugees and Accommodation in granting the refugee status can be appealed against at the court according to rules established by the legislation of Georgia.

4.6 Before the final decision upon the appeal is taken, the applicant shall enjoy the rights envisaged in Article 3 of the present law.

4.7 The negative decision on granting refugee status will be informed immediately to the mentioned person and relevant organs for reaction.

## **Article 5. Rights of refugees**

5.1 After getting the refugee status a refugee has the right to:

5.1.1 live at the place of temporary residence during 6 months and enjoy all discounts envisaged in Article 3 of the present law. Within this period a refugee should choose a place of residence from the list suggested by the Ministry for Refugees and Accommodation or choose the place where his / her relatives live in which case s/he has their written consent;

5.1.2 address authorities with the application for a Georgian citizenship in accordance with the Georgian Law on Citizenship;

5.1.3 voluntarily return to the country of his / her permanent residence, or to a third country;

5.1.4 enjoy the rights as envisaged in the Georgian Law "On the legal status of foreigners".

## **Article 6. Obligations of refugees**

6.1 A person having a refugee status must:

6.1.1 observe the laws and regulations of Georgia;

6.1.2 inform in advance the Ministry for Refugees and Accommodation of his / her intention of the change of places of residence.

6.1.3 address the Ministry for Refugees and Accommodation when using Article 5 of the present Law.

## **Article 7. Obligations of the state power and local authorities regarding refugees**

7.1 State agencies and local authorities must:

7.1.1 provide refugees with a list of places recommended for living by the relevant offices of the Ministry for Refugees and Accommodation of Georgia and with the information on the living conditions and job opportunities there;

7.1.2 provide refugees with an accommodation from the state refugee fund on the basis of the request from the relevant offices of the Ministry for Refugees and Accommodation;

7.1.3 assist refugees in getting jobs according to their specialisation and qualification in accordance with the

employment level in the present district;

7.1.4 in cases when job placement is not possible, Labour office of Georgia should register a refugee as an unemployed and assist in Job seeking, upon request of the relevant offices of the Ministry for Refugees and Accommodation;

7.1.5 allocate priorities in the social security institutions for lonely refugees, large families, elderly and disabled persons in need of care;

7.1.6 assist in placing children at the state day care centres and educational institutions;

7.1.7 regularly pay financial assistance to refugees from state budget in accordance with the Georgian legislature;

7.1.8 assist refugees in the voluntary return to the country of citizenship or permanent residence.

## **Article 8 Legal guarantees for refugees**

8.1 The rights of refugees are protected by the State.

8.2 Refugees will not be returned against their will to the country of citizenship or permanent residence they had fled from before the circumstances mentioned in Article I cease to exist.

8.3 Decisions taken by state bodies and officials, that infringe upon the rights of refugees stipulated in Georgian legislation can be appealed against in the court in accordance with the Georgian legislature.

## **Article 9 Granting Georgian citizenship to refugees**

9.1 Georgian citizenship is granted to refugees in accordance with the Law of Georgia on Citizenship.

## **Article 10 Termination and Loss of the refugee status**

10.1 The refugee status is terminated if the refugee

10.1.1 accepts the citizenship of Georgia or another country;

10.1.2. voluntarily avails him/herself protection of the country he has been forced to leave;

10.1.3. voluntarily leaves the country for permanent residence outside Georgia;

10.1.4. circumstances mentioned in Article I of the present law cease to exist.

10.2. The refugee status is lost if the refugee:

10.2.1 deliberately presented false information and fake documents that served the basis for granting him/her a refugee status.

10.3 The decision of termination or loss of the refugee status is taken by Ministry for Refugees and Accommodation.

## **Article 11. Suspension of discounts to refugees**

11.1 Articles 5, 6 and 7 of the present law will be suspended in reference to a refugee if a refugee:

11.1.1. he/she has departed Georgia for a period of more than one month,

11.1.2 he/she has committed a crime and a verdict envisaging his imprisonment came into force.

11.2 The decision on suspension of discounts to refugees is made by the Ministry of Refugees and Accommodation of Georgia.

## **Article 12. Rendering assistance to refugees**

12.1 The reception, granting of the refugee status, accommodation and job placement of persons mentioned in Article 2 of the present law is done by the Ministry of Refugees and Accommodation.

12.2 The Ministry for Refugees and Accommodation coordinates the activities of bodies of the executive power of Georgia in assisting refugees.

## **Article 13. Sources of reimbursement of expenses related to the reception and accommodation of refugees**

13.1 Expenses incurred to Government and local authorities related to the reception and accommodation of refugees on their territories according to the second article of the present law are covered by the Ministry for refugees and Accommodation from the fund specially allocated from the state budget.

13.2 In case it cannot deal alone with financial issues referring to the refugee matters, the government of Georgia approaches other states and international organisations for assistance.

13.3 Cooperation of Georgia with other states and international organisations on refugee problems, is based on the international treaties.

## **Article 14. Responsibility for the violation of the present law**

Violation of the present law will lead to legal responsibility according to the legislature of Georgia.

## **Article 15. Conclusive provisions**

This law enters into force upon its publication.

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