

PROVISION

on Granting Asylum to Aliens

Approved by Decree #387 of 25 June 1998 of the President of Georgia. The Provision entered into force on 1 September 1998.

I. General Provisions

1. The present Provision is based on Article 47 and Subparagraph (l) of Paragraph 1 of Article 73 of the Constitution of Georgia, Article 6 of the Law of Georgia on the Legal Status of Aliens and universally recognized principles and norms.
2. The President of Georgia shall provide asylum to aliens without Georgian citizenship (hereinafter referred to as Alien(s)) who are persecuted for the protection of human rights and peace, or public, political, scientific or other creative activities in their respective countries.
3. Asylum-seekers who are persecuted for their political belief or activities, who are not punished by Georgian legislation, shall not be extradited.
4. Asylum shall not be granted to aliens whose beliefs and activities are in contravention of the commitments and principles of the United Nations and the national interests of Georgia.
5. This Provision determines the rules on considering the applications of aliens seeking asylum, on granting asylum thereto, on termination of asylum, and on aliens' rights and obligations.
6. Registration of persons seeking asylum, enforcement of the relevant procedures and preparation of the relevant materials for the President of Georgia shall be guaranteed by the Ministry for Refugees and Accommodation of Georgia (hereinafter referred to as the Ministry).

II. Rules on Filing and Considering an Application for Asylum

1. An alien shall submit an application for asylum to the President of Georgia.
2. An alien shall personally submit the application to the Ministry if the alien is in Georgia. If the person is outside Georgia, he shall file an application with documents attached thereto with the consulates and embassies of Georgia.
3. The consulates and embassies of Georgia shall within one month transfer the applications for asylum and the duly certified documents to the Ministry for preliminary consideration within one month.
4. The application for asylum shall be considered as having been received upon its registration at the Ministry.
5. Subsequent decisions on the granting of asylum shall be made within four months of the registration.
6. In the case that the alien has provided inaccurate information about himself or false documents, the Ministry shall deny him asylum to the person.
7. The alien may appeal the denial of asylum in the respective common court according to the applicable procedures within 15 days of the rendering of the decision.
8. Applications and related documents shall be accepted only in Georgian or translated into Georgian and duly certified.
9. During preliminary consideration of the issue of granting asylum the Ministry shall explain to the applicant the terms and conditions stipulated herein, the procedures for appealing decisions, etc.
10. Consideration of the issues pertaining to the granting of asylum shall be kept confidential until a final decision is made.
11. Asylum-seekers shall be exempt from any fee related to the consideration of their application in any institution and shall be provided with an interpreter's service fee of charge as necessary.

III. Necessary Documents for the Consideration of Issues Asylum-Seekers

1. An asylum-seeker shall submit his application for asylum to the Ministry.
2. The applicant shall present all available identification documents upon request.
3. Pursuant to Article 6 of the Law of Georgia on the Legal Status of Aliens, an asylum-seeker shall present additional documents: documents certifying a scientific degree, military rank, membership of an international organization, copyright, diploma(s), membership card of a political party or public organization, etc.
4. During the preliminary consideration of asylum-related issues, the Ministry shall solicit from the appropriate agencies information regarding an applicant's previous conviction and determine whether the offence committed by the person is punishable under Georgian law, if by legislation of Georgia.
5. The Ministry may obtain any other documents during the consideration of asylum-related issues, as necessary.

IV. Preliminary Consideration of an Application for Asylum

1. The Department for Refugees and Asylum-Seekers under the Ministry (hereinafter referred to as the Department) shall conduct the preliminary consideration of applications for asylum.
2. During the preliminary consideration of an application, the Department may extend a personal invitation to the person seeking asylum, and receive the documents necessary for consideration of the matter, interview the applicant, and obtain application-related information and documents from governmental agencies and local and international organizations.
3. During the preliminary consideration, attention shall be paid to the personal documents and personality of the applicant, the motives of the application and the information obtained during the interview.
4. On the basis of the materials provided, the Department shall render a reasonable decision on the advisability of approval or rejection of the application.
5. The conclusion, along with the attached materials, shall be considered by a special committee within the Ministry and approved by a resolution of the committee.
6. The committee shall decide whether the applicant may attend the committee session.
7. The application of the asylum-seeker and the attached materials, along with the conclusion of the Ministry, shall be submitted to the President of Georgia.
8. The final decision on granting asylum shall be made by the President of Georgia based on the materials submitted by the Ministry.
9. Until the issue of granting asylum is settled, the applicant who has been duly registered with the Ministry, shall not be returned to his country of origin or permanent residence, from which he was forced to leave due to the reasons set forth in the general provisions.

V. Execution of the Resolution of the President of Georgia on Asylum-Related Issues

1. Asylum-seekers shall be registered, removed from the registration list or provided with the appropriate documents on the basis of a decision of the President of Georgia and pursuant to the applicable Georgian legislation.
2. The resolution of the President of Georgia on asylum-related issues shall be referred to the Ministry.
3. In the case that a person was granted asylum, the Ministry shall inform the applicant of the resolution of the President of Georgia within three days and shall issue a prescribed certificate thereof.
4. The Ministry shall personally inform the applicant of the resolution of the President of Georgia in the case that applicant is in Georgia. However, if the person is outside Georgia, the resolution shall be referred to the respective consulate or embassy from which the necessary documents were received.
5. In the case that the application of an asylum-seeker is rejected, the resolution of the President of Georgia shall be referred to the respective agency within three days and the asylum-seeker shall be served a written notice explaining the reasons for the denial within the same term.
6. The Ministry shall report to the President of Georgia on the execution of decisions on asylum-related issues at the end of every fiscal year.

7. The materials related to the consideration of issues of granting asylum shall be kept in the archives of the Ministry pursuant to the laws of Georgia.
8. The expenses of the Executive connected to the consideration of the issues related to the granting or termination of asylum shall be covered according to the procedures prescribed by Georgian legislation.

VI. Rights and Obligations of Person Enjoying Asylum

1. The person enjoying asylum shall have the right to:
 - a) live in Georgia together with his family members and not be returned against his will to the country of his origin or temporary residence;
 - b) voluntarily return to the country of his permanent residence or leave for another country;
 - c) enjoy the guarantees provided for by the Law of Georgia on the Legal Status of Aliens.
2. The person enjoying asylum shall comply with the applicable Georgian legislation.

VII. Termination and deprivation of the Status of the Person Enjoying Asylum

1. The status of the person enjoying asylum shall be terminated if :
 - a) he acquires the citizenship of Georgia or of any other country;
 - b) he voluntarily takes refuge in the country which he left under duress;
 - c) he leaves for permanent residence abroad ;
 - d) the circumstances due to which he sought asylum no longer exist.
2. The person enjoying asylum shall be deprived of the status if he intentionally provided inaccurate information or false documents.
3. The decision on the termination or deprivation of the status of the person enjoying asylum shall be rendered by the President of Georgia on the basis of the recommendation of the Ministry.
4. For the purpose of ensuring adequate measures are being taken in the case of termination or deprivation of the status, the Ministry shall apply to the relevant authorities for their reaction within three days and inform the alien of the decision in writing within the same period