

PROVISION

on the Procedures for Granting Refugee Status

Adopted on 29 May 2003 and approved by Decree #10 of 2 June 2003 of the Minister of Refugees and Accommodation. It came into force on 2 June 2003.

I. General Provisions

1. The present Provision is based on the Law of Georgia on Refugees and universally recognized principles and norms of International Law.
2. The Provision determines the rules of registration of applicants for refugee status, execution of respective procedures regarding to them, granting, termination or removal of refugee status, and rights and obligations of applicants for refugee status.
3. Refugee status may be granted to a person who entered Georgia from a country where there exist conditions set forth in Paragraph 1 of Article 1 of the Law of Georgia on Refugees.
4. Georgia promotes the principle of securing the unity of a refugee family.
5. Members of the refugee family shall include a spouse and minor child of a refugee and incompetent parents dependent upon a child who is a refugee.
6. All matters related to applicants for refugee status or persons holding refugee status, which are not provided for herein, shall be settled pursuant to the laws of Georgia.

II. Procedures for Application for Recognition as a Refugee

1. The basis for the commencement of the process of granting refugee status shall be an application, which the applicant for refugee status shall personally submit to the Ministry for Refugees and Housing (hereinafter referred to as the Ministry).
2. An applicant for refugee status shall submit an application addressed to the Minister for Refugees and Housing of Georgia.
3. The application shall be considered as having been received upon its registration at the Ministry.
4. The application shall include identification documents and other documents supporting the application.
5. The authorized staff of the Ministry shall familiarize the applicant with the decision-making procedures and explain to him his rights and obligations.
6. An applicant for refugee status shall fill out a special application form, where he shall enter information about himself and the circumstances that forced him to leave the country of his citizenship (or permanent residence).
7. If it becomes known that an applicant provided false information, he shall lose the right to acquire refugee status. In such a case the applicant shall be immediately informed thereof.
8. If an applicant has already crossed the state border checkpoint of Georgia, he shall apply to the Ministry in person for refugee status.
9. If in the course of the applicant's legal stay within the territory of Georgia, the applicant may apply for refugee status if certain changes occur in the country of his citizenship (or permanent residence), as a result of which he cannot return there, he may apply for refugee status.
10. If the applicant illegally crosses the state border of Georgia, he must apply to the appropriate government agencies for refugee status as soon as possible.
11. The government agency, to which the applicant for refugee status has applied to, shall hand over the person and the documents possessed by the person to the Ministry.

III. Procedures for Granting Refugee Status

1. Prior to the rendering of the final decision-making the personal file of an applicant shall be reviewed at the Department for Refugees and Asylum-Seekers (hereinafter referred to as the Department) within the Ministry.
2. The Department shall render a decision on the registration of the person as an applicant for refugee status within 3 days of the registration of the application at the Ministry.
3. Upon registration of the person, the Department shall serve him a notice informing him that his application has been accepted for review.
4. A person whose application has been registered at the Department shall be invited to an interview. The applicant shall be informed thereof not later than 3 days before the interview.
5. An applicant's failure to appear at his interview without a reasonable excuse, may qualify as evasion of a legitimate requirement and may serve as the basis for denial of refugee status.
6. During the interview, the Department may use an interpreter's service. The interpreter shall keep information confidential and shall not disclose the information provided in the applicant's personal file.
7. For the purpose of identification of an applicant and research of the political, social and economic conditions in his country of his origin, the Department may request information from relevant local and international governmental and non-governmental organizations.
8. The aforementioned agencies shall provide the Ministry with information on the applicant within one month of receiving the request for information. In the case of a failure to comply with this, term the agencies shall inform the Ministry in writing, providing substantiated reasons for the need to prolong the term and stating the period of time required for providing the necessary information.
9. For the purpose of securing the health of the population of Georgia, the Ministry shall require the applicant to undergo a medical examination within three days of his registration. The examination shall be carried out by the Ministry of Healthcare of Georgia. The expenses incurred as a result of the examination shall be covered pursuant to Georgian legislation.

IV. Decision-Making

1. After studying the case, the Department shall prepare a conclusion on the advisability of granting refugee status to the applicant.
2. The conclusion of the Department, along with the materials attached thereto, shall be submitted to the Committee for Refugees and Asylum-Seekers (hereinafter referred to as the Committee) for a final decision no later than three months after the registration of the application.
3. The Committee shall review the conclusion prepared by the Department and within one month shall render a decision on whether or not to grant refugee status to the applicant.
4. The rights and obligations of the persons recognized as refugees within the territory of Georgia shall be prescribed by the Law of Georgia on Refugees.
5. A Person who was denied refugee status may apply to the Ministry anew if the condition in his country of origin has changed.
6. The person shall be granted refugee status for a term of one year. This term may be extended by one year on the basis of a decision of the Committee, if the conditions in the country of origin of the applicant, for which he was granted refugee status, have not changed.
7. The term of the status may be prolonged on the basis of a personal application submitted by a refugee. The application for prolongation of the term shall be submitted within one month of the expiration of the term of the status. The refugee shall be informed in advance thereof.
8. A decision on the prolongation of the term of refugee status shall be made within 3 days.
9. Refugee status shall be terminated if, without any reasonable excuse, the holder fails to apply to the Committee for the prolongation of the term of refugee status within one month of the expiration of the term.

V. Procedures for Issuing and Forfeiting a Refugee Card

1. Within five days of being recognized as a refugee the Department shall grant the person a refugee card and forfeit his identification documents for the period of validity of refugee status.
2. The refugee card shall specify the month from which point in time, the refugee shall be entitled to aid.
3. In case of loss of a refugee card, a new card shall be issued within two weeks of his filing the respective application. Until receipt of his new card, the refugee shall be provided with a temporary certificate.
4. Upon the temporary or permanent departure from Georgia of the cardholder, his refugee card shall be forfeited and he shall be given his identification documents. Thereupon his refugee status shall be suspended or terminated to such person pursuant to the Law of Georgia on Refugees.
5. Refugee cards shall be completed in Georgian and certified by the seal of the Ministry.
6. Persons recognized as refugees shall be registered in the database of the Ministry.

VI. Accountability for Violations of this Provision

Violation of this Provision shall result in the imposition of liabilities pursuant to the laws of Georgia.