

## Republic of Georgia

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### General Overview:

The UN Refugee Agency established a presence in Georgia in 1993. In 1999, Georgia ratified the 1951 Convention relating to the status of refugees and its 1967 Protocol. On 1 December 2016 Georgia adopted the Law on International Protection” that entered into force on 1 February 2017. The law brought the national legislation closer in line to the international standards. In 2011, Georgia acceded to the 1954 UN Convention relating to the Status of Stateless Persons. <https://help.unhcr.org/georgia/about-unhcr-in-georgia/>

<b>Is there a refugee protection program?</b>	<p>Yes. The rights and procedures related to obtaining asylum in the Republic of Georgia (<b>Georgia</b>) are regulated by the "Law on International Protection". The Law recognizes for the following forms of protection:</p> <p><b>Refugee status</b> - granted to an alien or stateless person, who is outside their country of origin due to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of the country of origin.</p> <p><b>Humanitarian status</b> - granted to an alien or stateless person who does not qualify as a refugee but in respect of whom there are reasons to believe that upon return to the country of origin he/she will face a risk of suffering serious harm. The Georgian legislation defines the serious harm as:</p> <ul style="list-style-type: none"><li>a) the death penalty or threat to execution;</li><li>b) torture or inhuman or degrading treatment or punishment in the country of origin;</li><li>c) serious individual threat to life by reason of indiscriminate violence, international or internal armed conflict or mass violation of human rights.</li></ul> <p><b>Status of person under temporary protection</b> - persons who arrive to Georgia in the event of a mass entry may be granted the status of persons under temporary protection by the Ministry of Internal Affairs of Georgia (the <b>Ministry</b>) if they are in need of international protection and are unable to return to the country of origin on account of indiscriminate violence, aggression, international or internal armed conflict or mass violation of human rights.</p>
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	<p>1) UNHCR Website: <a href="https://help.unhcr.org/georgia/#_ga=2.58975981.1947580214.1627490345-1188979214.1625842457">The UN Refugee Agency in Georgia</a> <a href="https://help.unhcr.org/georgia/#_ga=2.58975981.1947580214.1627490345-1188979214.1625842457">https://help.unhcr.org/georgia/#_ga=2.58975981.1947580214.1627490345-1188979214.1625842457</a>;</p> <p>2) Country-specific refugee sites:</p> <p>State Commission on Migration Issues <a href="https://migration.commission.ge/index.php?article_id=19&amp;clang=1">https://migration.commission.ge/index.php?article_id=19&amp;clang=1</a></p> <p>3) Country’s civil code or other immigration laws:</p> <p>Law on International Protection No. 42-IS of 1 December 2016 <a href="https://matsne.gov.ge/en/document/view/3452780?publication=4">https://matsne.gov.ge/en/document/view/3452780?publication=4</a></p>
<p><b>Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?</b></p>	<p>According to the Law on International Protection, the Ministry is authorized to determine which applicants qualify for refugee protection.</p> <p>It has been reported that "a person arriving 'illegally' in a country, when intercepted by border police, should be allowed to state his/her claim for asylum before he/she is judged for illegal border-crossing or possession of fake documents. Currently in Georgia, this right is rarely respected, since most of the people now claiming asylum in the Martkopi centre have spent 6 months or more in prison before being able to make their claim for refugee status "</p> <p>(<a href="http://www.humanrights.ge/index.php?a=main&amp;pid=15782&amp;lang=eng">http://www.humanrights.ge/index.php?a=main&amp;pid=15782&amp;lang=eng</a> )</p>
<p><b>Is the refugee protection program functional? For example, how long does it take for decisions to be issued? What percentage of applications are granted?</b></p>	<p>Under the regular procedure (as set out in Article 29 of the Law on International Protection), an international protection application should be considered within 6 months of its registration. This term can be extended for up to 9 months.</p> <p>Overall, the administrative procedure should not exceed 21 months from the date of the submission of the application. However, as mentioned above and further in this chart, there have been reports of denials of entry and delays in being able to make the applications.</p> <p>We understand as detailed on UNHCR's website that the following procedure can generally be expected (<a href="https://help.unhcr.org/georgia/applying-for-asylum/asylum-procedure-in-georgia/">https://help.unhcr.org/georgia/applying-for-asylum/asylum-procedure-in-georgia/</a>):</p>

	<p><b>Interview</b></p> <p>The Ministry conducts the interview with you and with your adult family members accompanying you. Authorized officials of the Ministry will explain the asylum procedure and your rights before the start of the interview.</p> <ul style="list-style-type: none"><li>• You should be prepared for an individual interview. During the entire asylum procedure, you must tell the truth, provide detailed information about the reasons for applying for international protection and present all available documents (i.e. ID and civil documents, education or work related documents and other documents that you possess).</li><li>• Interview and related written/audio recordings are confidential, which means that the information about you will not be shared with anyone but the authorized officials, who are reviewing your application or other Georgian state agencies, involved in the asylum procedure.</li><li>• You have the right to have an interpreter during the interview. You have the right to change the interpreter if you cannot understand him/her.</li></ul> <p><b>What do you need to bring to the profiling interview?</b></p> <p>You should bring to the Division of International Protection Issues of the Migration Department all available written documents supporting your asylum claim, if available:</p> <ul style="list-style-type: none"><li>• Personal identification documents (e.g. passport, ID card, travel document);</li><li>• Individual and status documents (e.g. birth and/or marriage and/or divorce certificate, guardianship document);</li><li>• Educational documents (e.g. certificates, diploma);</li><li>• Employment documents (e.g. certificate, working records, card);</li><li>• Membership cards (e.g. political parties, social organizations, union card);</li></ul>
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	<ul style="list-style-type: none"> <li>• Any other available documents related to your application for international protection.</li> </ul> <p><b>Decision</b></p> <p>The Ministry may grant you refugee or humanitarian status or reject your application for international protection. The decision will be delivered to you in a written form in a language you understand.</p> <p><b>Appeal</b></p> <p>If you receive a negative decision from the Ministry, you have the right to appeal it to the court within 1 month from the moment you receive the decision. Your claim will be considered by the Tbilisi City Court (first instance) and by the Tbilisi Court of Appeals (second instance). For free legal aid you can address the Legal Aid Service of Georgia."</p> <p>However, according to the 2020 United States Department of State Report of Human Rights Practices, with respect to Georgia, "UNHCR learned of a few cases of asylum seekers who were denied access to the territory (and consequently the asylum procedure) at the border and whose return may have amounted to indirect refoulement. During 2019, but also in 2020, the penalization for irregular entry for individuals accepted into the asylum procedures remained a problem."</p> <p>Furthermore, in the same US Department of State report, " UNHCR reported concerns regarding applications from citizens of Afghanistan, Eritrea, Iran, Iraq, Syria, Yemen being rejected automatically on national security grounds, without a thorough examination on a case-by-case basis of the threat posed by the individual applicants. Rejected asylum seekers from those countries were rarely deported, nor were they detained, which brought into question whether they posed a security threat.</p>
<p><b>Do refugees have a right to work? A right to education? A right to medical care?</b></p>	<p>Law of Georgia on International Protection, Article 56 – Rights of an asylum seeker:</p> <p>In Georgia, asylum-seekers have the right:</p> <ul style="list-style-type: none"> <li>• to stay in Georgia <u>after</u> applying for international protection</li> </ul>

	<ul style="list-style-type: none"><li>● not to be extradited or refouled from Georgia, until the Ministry’s decision or a court’s final judgement on their asylum application enters into force</li><li>● to be interviewed by an authorised official and the interpreter of the same gender</li><li>● to have access to free services of an interpreter during asylum procedure</li><li>● to have access to free legal service in accordance with Georgia's Law on Legal Aid during the court proceedings – [An English translation of the law can be found here (note that it may not be the latest version – <a href="https://matsne.gov.ge/en/document/download/21604/11/en/pdf">https://matsne.gov.ge/en/document/download/21604/11/en/pdf</a>)]</li><li>● to stay in Martkopi Reception Centre (a reception centre with accommodation for up to approximately 125 persons, in Martkopki, whose construction was funded by UNHCR, the US State Commission and the European Commission) for the period of the review of your application for international protection by the Ministry</li><li>● to receive an asylum-seeker certificate and a temporary ID card during the period of the asylum procedure</li><li>● to have the right to access the state healthcare programs</li><li>● to have the right to pre-school and general education</li><li>● to be exempted from the payment of court fees during the appeals proceedings</li><li>● to have the right to work (including through self-employment) <u>after</u> applying for international protection</li></ul> <p>Persons under international protection have legal access to the labor market. However, we understand that many of the government work programs are available only in the Georgian language.</p> <p>For information on work and vocational programs:</p> <ul style="list-style-type: none"><li>● <a href="https://help.unhcr.org/georgia/integration-support/vocational-training/">https://help.unhcr.org/georgia/integration-support/vocational-training/</a></li></ul> <p>It has also been reported that access to education can be difficult due to the language barrier, notwithstanding the government’s provision of Georgian language classes.</p> <p>For information on educational programs (including language classes): <a href="https://help.unhcr.org/georgia/integration-support/georgian-language-programs/">https://help.unhcr.org/georgia/integration-support/georgian-language-programs/</a></p>
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<p><b>Are those seeking refugee protection free to live freely or forced to reside in camps?</b></p>	<p>Law on International Protection, Article 23 – Request for international protection</p> <p>Art 6. The placement of an asylum seeker at a reception centre, if required, or his/her relocation to another place, is performed in accordance with the procedure established by a normative act of the Minister.</p> <p>Martkopi Reception Centre a reception centre in Martkopki, whose construction was funded by UNHCR, the US State Commission and the European Commission and is an open accommodation centre with 60 places.</p> <p>As mentioned above, there have been reports of stateless persons being detained when entering the country or prior to the submission of their applications for refugee status. The UNHCR provides the following advice for how to apply for refugee status while detained: "If you are detained/your liberty is deprived in Georgia and wish to make an asylum application, you can do so by:</p> <ul style="list-style-type: none"> <li>• writing a short letter in a language in which you can effectively communicate, stating clearly that you wish to seek asylum in Georgia, who and where you are and your reasons for applying for asylum;</li> <li>• sending this letter directly to the Division of International Protection Issues of the Migration Department under the Ministry of Internal Affairs through confidential mail from the detention facility;</li> <li>• asking social workers or administration staff of the detention facility for assistance with writing or sending your letter, if necessary."</li> </ul>
<p><b>Does a grant of refugee protection result in a pathway to permanent status? In other words, can a refugee eventually become a citizen? Is there another form of legal permanent status</b></p>	<p>Upon granting the status of asylum-seeker, the person will be issued a temporary residence card.</p> <p>Refugees receive a renewable temporary residence permit for three years, while protected humanitarian status holders receive a permit for one year, renewable upon a positive assessment of the need for continued protection.</p> <p>The government offered a path to naturalization for refugees residing on its territory that includes required language and history tests. According to the 2020 US State Department Report on Human Rights, Georgian authorities "purportedly denied naturalization to some applicants based on national security concerns."</p> <p>More information on Citizenship and Permanent Residency can be found at (Public Service Hall - <a href="http://psh.gov.ge/main/menus/1">http://psh.gov.ge/main/menus/1</a>)</p>

<p><b>available for people with refugee status?</b></p>	<p>Travel permits:</p> <p>In addition, the person with a refugee status will be issued a travel document, while the person with a humanitarian status will be issued a travel passport.</p> <p>In order to get a temporary residence card or a travel document/passport, a person under international protection needs to apply to the territorial office of the Public Service Development Agency, a branch of a Public Service Hall or a Community Centre.</p> <p>These travel documents/passports are issued free of charge within the period of 10 working days.</p>
<p><b>Does the country offer temporary protections available other than refugee status? If so, what are they?</b></p>	<p>Country’s civil code or other immigration laws; UNHCR reports</p> <p>Law on International Protection, Article 3 envisages four categories of refugees:</p> <ol style="list-style-type: none"> <li>1. an asylum seeker – an alien or a stateless person, who has applied for international protection to a state agency and in respect of whom the Ministry has not made a decision, or a court decision has not yet entered into legal force</li> <li>2. refugee – an alien or a stateless person who has been granted refugee status on the basis of Article 15 of this Law</li> <li>3. a person holding humanitarian status – an alien or a stateless person who has been granted humanitarian status on the basis of Article 19 of this Law</li> <li>4. a person under temporary protection – an alien or a stateless person who has been granted the status of a person under temporary protection on the basis of Article 21 of this Law</li> </ol>
<p><b>What, if any, penalties are there for people without status or people who are denied refugee protection?</b></p>	<p>Law on International Protection, Article 43 – A decision on granting or refusing to grant refugee or humanitarian status</p> <p>Para 8. After the entry into force of a decision of the Ministry on refusing to grant refugee or humanitarian status to an asylum seeker, or where, after appealing such decision in accordance with the procedures established by the legislation of Georgia, a relevant court judgment enters into force on refusing to grant refugee or humanitarian status, an alien or a stateless person is obliged to leave Georgia in accordance with the procedures</p>

	<p>provided for by the Law on the Legal Status of Aliens and Stateless Persons, unless there are other legal grounds for his/her stay in Georgia.</p> <p>An appeal of a decision on removing a person (an alien) from Georgia must be made within 10 days after the alien has been notified of the decision on removal.</p> <p>If a person is not granted international protection and there are no other legal grounds for him/her to remain in Georgia, then he/she must leave the country within 30 days, in accordance with the Law on Legal Status of Foreigners and Stateless Persons. If he/she does not leave the country within this timeframe, the official expulsion procedure may be initiated.</p> <p>Failure to leave the country, as required by law, is also subject to administrative penalties. Failure to pay such penalties could result in future denial of a visa and entry into Georgia until such time that the penalty is paid.</p>
<p><b>What organizations exist in-country that can help displaced people seek available protections? What other organizations in the country may be able to help displaced people access services and rights, even if their mission is not to specifically work with refugees and displaced people?</b></p>	<p><b>Organizations with the consultative status (linked below)</b></p> <ul style="list-style-type: none"> <li>• <a href="#">UN High Commissioner for Refugees</a></li> <li>• <a href="#">German International Cooperation Society (GiZ)</a></li> <li>• <a href="#">Delegation of the European Union to Georgia</a></li> <li>• <a href="#">International Organization for Migration</a></li> <li>• <a href="#">International Centre for Migration Policy Development</a></li> <li>• <a href="#">Innovations' and Reforms Centre</a></li> <li>• <a href="#">Georgian Young Lawyers' Association</a></li> <li>• <a href="#">Civil Development Agency</a></li> <li>• <a href="#">Public Defender (Ombudsman) of Georgia</a></li> </ul> <p>Georgia - Pro bono legal aid Directory:  <a href="https://www.refugeelegalaidinformation.org/georgia-pro-bono-directory">https://www.refugeelegalaidinformation.org/georgia-pro-bono-directory</a></p>
<p><b>Is there other information</b></p>	<p>Georgia is still dealing with a substantial number of internally displaced persons (i.e., persons who are forced to flee their homes but who, unlike</p>



<b>that might be valuable for displaced people arriving in that country to know?</b>	refugees, remain within their country's borders) caused by the civil conflict between the government of Georgia and separatist movements in the regions of Adjara, South Ossetia and Abkhazia.
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