

# **LAW OF THE REPUBLIC OF GEORGIA**

## **"ON THE LEGAL STATUS OF FOREIGNERS"**

### **Chapter 1. General provisions**

#### **Article 1. Foreign citizens**

On the Republic of Georgia foreigners are deemed:

- a) persons who are non-citizens of Georgia and have a document confirming their citizenship of other state (citizens of a foreign state);
- b) persons who are non-citizens of Georgia and do not possess a document confirming their citizenship of any other state (stateless persons)

In the Republic of Georgia foreigners are guaranteed the rights and liberties envisaged by the legislation of the Republic of Georgia

#### **Article 2. The legislation on the legal status of foreigners**

The legal status of foreigners in the Republic of Georgia is determined by the Constitution, the present Law and other legislative acts of the Republic of Georgia, as well as international treaties of the Republic of Georgia and the universally recognized international-law standards of human rights defence

#### **Article 3. The main principles of the legal status of foreigners in the Republic of Georgia**

In the Republic of Georgia foreigners have the same rights, liberties and duties as citizens of Georgia unless different is established by the existing legislation of the Republic of Georgia in the Republic of Georgia foreigners are equal in law despite their origin, social and property status, race, nationality, sex, education, language, religious, political and other views, the sphere of activity and other circumstances.

The Republic of Georgia protects the life, personal immunity, rights and freedoms of foreigners on its territory.

The Republic of Georgia protects rights and legitimate interests of stateless persons being temporarily out of its borders but residing permanently in the Republic of Georgia equally with the rights and interests of its citizens.

The realization of rights and freedoms of foreigners in the Republic of Georgia shall not infringe on the interests of the Republic of Georgia, restrict the rights of citizens of Georgia and other people and ignore their legitimate interests.

As regards to citizens of the states where the rights and freedoms of citizens of Georgia are deliberately infringed upon the Republic of Georgia establishes adequate restrictions.

#### **Article 4. The obligation of foreigners to observe the Constitution of the Republic of Georgia and Laws of the Republic of Georgia**

Foreigners in the Republic of Georgia must observe the Constitution of the Republic of Georgia and laws of the Republic of Georgia, respect the Georgian language, culture, customs and traditions of the Georgian people, rights and freedoms of national minorities living in Georgia

#### **Article 5. The foreigners permanently residing and temporarily staying in the Republic of Georgia**

Foreigners may reside permanently in the Republic of Georgia on the grounds of the permit to permanent residence and identity card issued in accordance with the order established by the Cabinet of Ministers of the Republic of Georgia.

The permit to permanent residence in the Republic of Georgia may be issued if a foreigners is:

- a) a Georgian by birth;
- b) a parent, a spouse, a son (daughter) under the age of 18 or an incapable son (daughter) of the full legal age of a citizen of Georgia;
- c) a parent, a spouse, a son (daughter) under the age of 18 or an incapable son (daughter) of the full legal age of an immigrant living in Georgia;
- d) a person under tutelage or trusteeship of a citizen of Georgia;
- e) a tutor or a trustee of a citizen of Georgia;

and:

- f) if this proceeds from the state interests of Georgia and shall be confirmed by a decision of the Presidium of Cabinet of Ministers of the Republic of Georgia;
- g) if he (she) meets other requirements of the legislation of the Republic of Georgia.

The terms envisaged by the second part of the present article are not applicable to the persons having refused to adopt citizenship of Georgia in accordance with point "a" in article 3 of the law of the Republic of Georgia "On Citizenship of Georgia". These persons are deemed to be people without a citizenship residing permanently in the Republic of Georgia.

Foreigners living in the Republic of Georgia on other legal grounds are deemed to be persons temporarily staying in the Republic of Georgia; they must have their valid foreign passports or other substituting documents registered in the bodies of internal affairs in accordance with established order leave the Republic of Georgia on the expiration of the period of stay specified for them.

#### **Article 6. The granting of asylum**

The Republic of Georgia grants the right of asylum to foreigners persecuted in their countries for the protection of human rights and struggle for peace, progressive socio-political, scientific or any other creative activities.

It is not allowed to grant citizenship foreigners whose beliefs and activity men counter to the objectives and principles of the United National Organization and state interests of Georgia.

The decision on granting asylum is passed by the Head of State of Georgia.

## **Chapter 2. The Main Rights, Liberties, Freedoms and Duties of Foreigners in the Republic of Georgia**

### **Article 7. The right to work**

Foreigners residing permanently in the Republic of Georgia may hold post or get engaged in any labour activity not prohibited by the legislation of the Republic of Georgia, with the exception of those posts and kinds of activity which in accordance with the legislation, require the citizenship of the Republic of Georgia.

Foreigners staying temporarily in the Republic of Georgia may also hold any posts or get engaged in any labour activity if this corresponds to the purposes of their stay in the Republic of Georgia and is stipulated in the legislation of the Republic of Georgia.

### **Article 8. The right to rest**

Foreigners in the Republic of Georgia have the right to rest and the right to use their spare time on an equal footing with citizens of Georgia.

### **Article 9. The right to health protection**

Foreigners in the Republic of Georgia have the right to health protection in accordance with the legislation of the Republic of Georgia and international treaties of the Republic of Georgia.

### **Article 10. The right to social security**

Foreigners residing permanently in the Republic of Georgia have the right to pensions, allowances, benefits and other form of social security equally with citizens of Georgia.

The problem of social security of foreigners temporarily staying in the Republic of Georgia and stateless persons is solved in accordance with the existing legislation of the Republic of Georgia and international treaties.

### **Article 11. Property and personal non-property rights**

Foreigners in the Republic of Georgia may possess properly as their personal ownership, inherit and leave by will property, have the copyright of a scientific work, a work of literature and art, discovery, invention, industrial model, as well as other property and non-property rights unless different is established by the legislation of the Republic of Georgia.

### **Article 12. The right to education**

Foreigners in the Republic of Georgia have the right to education on equal grounds with citizens of Georgia in accordance with the order established by the legislation of the Republic of Georgia.

### **Article 13. The right to use cultural values**

Foreigners in the Republic of Georgia have the right to use the mother tongue, protection and development of the national culture and traditions unless this is detrimental to the state interests of the Republic of Georgia and legitimate interests and rights of the people living in it.

Foreigners must treat carefully historical and cultural monuments and other cultural values of the Republic of Georgia.

### **Article 14. The right to be a member of political and social association**

In the Republic of Georgia foreigners are prohibited to join political associations existing on the territory of Georgia, to participate in their activities, to set up political associations.

Foreigners in the Republic of Georgia have the right to set up social associations, to become members of trade unions, cooperative organizations, scientific, cultural sports societies and other social organizations on equal grounds with citizens of Georgia unless this contradicts the statutes of these organizations and the legislation of the Republic of Georgia.

### **Article 15. Religious liberty**

Foreigners in the Republic of Georgia equally with citizens of Georgia are guaranteed the freedoms of thought, convictions and religious liberty.

The stirring up animosity and hatred among disciples of different religious beliefs, as well as persecution for political and other convictions are prohibited.

### **Article 16. Marriage and family relations**

Foreigners in the Republic of Georgia may contract and dissolve a marriage with citizens of Georgia and other persons in accordance with the legislation of the Republic of Georgia.

Foreigners in the Republic of Georgia have the same rights and duties in marriage and family relations as citizens of Georgia.

### **Article 17. The guarantee of personal immunity of foreigners and non-interference in their private life**

In the Republic of Georgia the legislation of the Republic of Georgia guarantees foreigners personal immunity and inviolability of the home, non-interference in their private and family life, respect for dignity and reputation, the right to secrecy of correspondence, the right to free development of a person in economic, social and cultural spheres and other rights.

It is prohibited to detain and arrest a foreigner on the territory of Georgia except in cases when:

- a) he (she) attempted to illegally cross the state border of the Republic of Georgia;
- b) he (she) illegally stays in the Republic of Georgia;
- c) he (she) committed a crime or some other offence which entails an arrest or detention in accordance with the legislation of the Republic of Georgia;
- d) he (she) was found guilty in court and sentenced to imprisonment, or if he (she) escaped from places of confinement and evades serving a sentence;
- e) in other cases provided for by the legislation of the Republic of Georgia.

In case of detaining a foreigner he (she) shall be immediately informed of the reasons of the detention and an accusation brought against him (her) in the language understandable to him (her). Simultaneously, he (she) shall be explained the rights and duties connected with the procedure.

In case of an arrest or detention of a foreign citizen the bodies of the Procurator's Office shall advise of this the diplomatic or consular mission in the Republic of Georgia of the country of which the apprehended person is a citizen within 48 hours, in case of an arrest or detention of a stateless person staying temporarily in the Republic of Georgia, the diplomatic or consular mission in the Republic of Georgia of the state where the arrested or detained person resides permanently shall be advised.

### **Article 18. The right of foreigners to move about the territory of the Republic of Georgia and choose a place of residence**

Foreigners enjoy the right to move freely about the territory of the Republic of Georgia and choose a place of residence in accordance with the order established by the legislation of the Republic of Georgia. Movement of foreigners and choosing a place of residence by them in the Republic of Georgia may be restricted when it is necessary for state security, public order protection, public health, defence of rights and legitimate interests of citizens of Georgia and other persons.

### **Article 19. Taxation of foreigners**

Taxes and duties are imposed on foreigners in the Republic of Georgia equally with citizens of Georgia unless different is established by the legislation and international treaties of the Republic of Georgia

### **Article 20. Defence of the rights of foreigners**

Foreigners in the Republic of Georgia have the right to apply to court and other state bodies for defending their property and personal non-property and other rights.

Foreigners have the same rights connected with judicial procedure as citizens of Georgia.

Every foreign citizen or a stateless person living temporarily in the Republic of Georgia has the right to apply to the diplomatic or consular mission of the state which he (she) is a citizen of or where he (she) resides permanently, in case of the absence of such mission-to the diplomatic or consular mission of the state authorized to defend interests of citizens of the state of which the foreigner is a citizen or where the stateless person resides permanently.

#### **Article 21. Relation to suffrage**

Foreigners in the Republic of Georgia have not the right to elect and be elected to the Parliament and other elective state bodies of the Republic of Georgia. They may not take part in national voting (referendums) either.

#### **Article 22. Relation to military service**

Foreign citizens and stateless persons living temporarily in the Republic of Georgia are not liable for military service in the Armed Forces of the Republic of Georgia.

Stateless persons living permanently in the Republic of Georgia are deemed to be liable for military service in accordance with the order established by the legislation of the Republic of Georgia.

### **Chapter 4. Entering and Leaving the Republic of Georgia**

#### **Article 23. Entering the Republic of Georgia**

To obtain an entry visa, a permit or other appropriate document for entering the Republic of Georgia foreigners shall apply to a diplomatic or consular mission abroad or any other authorized body, to submit the valid foreign passport or other substituting document.

In the case provided for by international treaties of the Republic of Georgia entering the Republic of Georgia by foreign citizens and stateless persons having no entry visa is also possible.

Entering the Republic of Georgia by a foreign citizen or a stateless person may be prohibited:

- a) if he(she) committed a crime against peace and humanity;
- b) if he(she) committed a grave crime for the last five years;
- c) in the interests of state security or public order protection;
- d) if this is necessary for defence of rights and legitimate interests of the citizens of the Republic of Georgia and other persons;
- e) if he(she) is proved guilty of an action aimed against the Republic of Georgia;
- f) in the interests of public health protection;
- g) if during the previous stay in the Republic of Georgia he(she) violated the requirements of the present and other laws of the Republic of Georgia;

h) if when applying for an entry into the Republic of Georgia he/she gave false information about himself/herself);

in other cases established by the legislation of the Republic of Georgia.

#### **Article 24. Leaving the Republic of Georgia**

When leaving the Republic of Georgia foreigners shall submit the valid foreign passport or other substituting document.

Foreigners residing permanently in the Republic of Georgia when leaving the Republic of Georgia shall submit the valid foreign passport or other substituting document to a competent body and obtain an exit visa or a permit to leave the Republic of Georgia.

A foreign citizen may be prohibited to leave the Republic of Georgia:

a) if his (her) leaving runs counter to the interests of state security-till the cessation of these circumstances:

b) if he (she) is suspected or accused of committing a crime-till the termination of proceedings;

c) if he (she) is convicted of committing a crime-till the termination of serving the sentence or cancelling the sentence;

d) in other cases envisaged by the legislation of the Republic of Georgia.

Leaving the Republic of Georgia by a foreign citizen or a stateless person may be postponed till the fulfilment of civil-law obligations by him (her).

#### **Article 25. The refusal of the border control body to allow to cross the border**

The border control body of the Republic of Georgia may refuse crossing the border of the Republic of Georgia to foreigners unless they produce the valid foreign passport made in due order and other papers required.

In cases envisaged by the second part of Article 24 of the present Law and other legislative acts of the Republic of Georgia the border control body of the Republic of Georgia may detain a foreigner while crossing the border and pass him (her) on to the law-enforcement bodies of the Republic of Georgia.

#### **Article 26. The appeal against a refusal of leaving the Republic of Georgia**

Foreigners may appeal against a refusal of leaving the Republic of Georgia in court within a ten-day period.

#### **Article 27. Transit**

In the case envisaged by international treaties of the Republic of Georgia foreigners have the rights to transit the territory of the Republic of Georgia and stay in Georgia if they have a transit visa or a permit issued by competent bodies of the Republic of Georgia.

The rules of the transit across the frontier zone of the Republic of Georgia are established by the Cabinet of Ministers of the Republic of Georgia.

#### **Chapter IV. Responsibility of Foreigners**

##### **Article 28. Reasons of responsibility for infringement of the law**

Foreigners committed a crime, an administrative or any other offence on the territory of the Republic of Georgia bear responsibility in accordance with the legislation of the Republic of Georgia unless otherwise provided by international treaties of the Republic of Georgia.

##### **Article 29. Deportation from the Republic of Georgia**

Foreign citizens, as well as stateless persons staying on the territory of Georgia may be deported from the Republic of Georgia:

- a) if there are no reasons for their further staying in the Republic of Georgia;
- b) if they illegally entered the country and stay on the territory of the Republic of Georgia;
- c) if their staying in the Republic of Georgia runs counter to the interests of state security and public order protection;
- d) if this is required by public health protection, the defence of rights and legitimate interests of citizens of Georgia and other persons living in the Republic of Georgia;
- e) if he (she) deliberately and regularly violates the existing legislation of the Republic of Georgia;
- f) in other cases envisaged by the legislation of the Republic of Georgia.

The decision on deportation from the Republic of Georgia is passed by the

Ministry of Justice on the basis of presentation by the bodies of internal affairs, Procurator's Office, Court and Ministry of Foreign Affairs.

Foreign citizens and stateless persons staying temporarily in the Republic of Georgia shall leave the Republic of Georgia after having familiarized with the decision on deportation in the language understandable to them within the period specified in the decision. If the given persons refuse to leave the Republic of Georgia or do not leave its territory in the period specified in the decision without good reason, they are to be deported by force.

The decision on deporting foreigners from the Republic of Georgia may be appealed against in court.



**Article 30. The responsibility for violating the rules of transit through the territory of the Republic of Georgia**

Foreigners bear responsibility for violating the rules of transit through the territory of the Republic of Georgia in accordance with the legislation of the Republic of Georgia

**Article 31. The responsibility of stateless persons residing permanently in the Republic of Georgia**

Deportation of stateless persons residing permanently in the Republic of Georgia from the Republic of Georgia is not permissible. In this case other responsibility measures envisaged by the legislation of the Republic of Georgia are applicable.

**Chapter 5. Concluding Provisions**

**Article 32. Privileges and immunity of the heads and of missions of foreign states and other persons**

The provisions of the present Law are not applicable to the staff of diplomatic and consular missions of foreign states and other persons who enjoy Privileges and have immunity in accordance with the legislation of the Republic of Georgia and international treaties of the Republic of Georgia.

**Article 33. The use of international treaties**

If international treaties of the Republic of Georgia established the rules different from those envisaged by the present Law, the rules established by international treaties of the Republic of Georgia are used.

June 3, 1993

Tbilisi

**Law of Georgia**

**On introduction of changes to the law of the Republic of Georgia "On Legal Status of Aliens"**

The Parliament of Georgia resolves:

The following changes to be introduced to the law of the Republic of Georgia "On Legal Status of Aliens" ("Georgian Parliament Gazette", 1993, N 6-8, Art. 127):

In the title and the text of the Law the words "the Republic of Georgia" to be replaced by the Word "Georgia".

In the first paragraph of Article 5 the words "in accordance with the procedure established by the Cabinet of Ministers" to be replaced by the words " in accordance with the procedure established by the legislation"; sub-point "f" to be formulated in the following way: "is staying in Georgia in correspondence with the state interests of Georgia".

In the first paragraph of Article 6 the words "the right to asylum" to be replaced by the word "asylum"; in the third paragraph of the same Article the words "Head of State" to be replaced by the word "president".

In the last sentence of Article 27 the words "Cabinet of Ministers of the Republic of Georgia" to be replaced by the words "the Georgian Legislation".

From paragraph 2 of Article 29 the words "of the prosecutor's office" to be removed.

If Articles consist of several paragraphs, they shall be numbered into consecutive points in Arabic numbers and the succession of paragraphs within the points shall be marked in alphabetic order and shall be regarded as sub-points.

This Law shall enter into force on publishing.

President of Georgia

Eduard Shevardnadze

No 928-IS

October 16, 1997

Tbilisi

## **Law of Georgia**

### **On introduction of changes to the law of Georgia "On Legal Status of Aliens"**

The Parliament of Georgia resolves:

The following changes to be introduced to the law of Georgia of 3 June, 1993 "On Legal Status of Aliens" ("Georgian Parliament Gazette", 1993, N 8, Art. 127):

Sub-point "b" of point 1 of Article 1 to be formulated in the following way:

"b) stateless persons having a relevant document certifying their permanent residence in a foreign country (stateless person permanently residing in a foreign state)".

First point of Article 23 to be formulated in the following way:

"1. To get a Georgian entry visa aliens shall refer to Georgian diplomatic representations or consular institutions abroad, or a relevant subdivision of the Ministry of Foreign Affairs of Georgia and present an acting foreign passport or a valid travel document certifying their identity issued by the relevant body of the country of their permanent residence."

First and second points of Article 24 to be formulated in the following way:

"1. While exiting from Georgia Aliens shall present an acting foreign passport or a valid travel document certifying their identity issued by the relevant body of the country of their permanent residence and a relevant type visa."

Aliens, permanently residing in Georgia, shall upon exiting from Georgia present an acting foreign passport or a valid travel document certifying their identity issued by the relevant body of the country of their permanent residence and a Georgian exit visa to the relevant bodies."

4. Article 27 to be formulated in the following way:

"Article 27. Transit Passage

Aliens can transit through the territory of Georgia upon presentation a transit visa issued by the bodies envisaged in Article 23 of the present Law.

The procedure of transiting through the Georgian border zone is established by the decree of the president of Georgia."

Point 2 of Article 29 to be formulated in the following way:

"2. The decision on expulsion from Georgia of aliens and stateless persons temporarily staying in Georgia shall be made upon the decree of the president of Georgia and in accordance with the definite procedure of expulsion."

This Law shall enter into force on publishing.

President of Georgia

Eduard Shevardnadze

No 928-1S

October 16, 1997

Tbilisi

## **Law of Georgia**

### **On introduction of changes and amendments to the Georgian Law "On Legal Status of Aliens"**

The Parliament of Georgia resolves:

The following changes and amendments to be introduced to the Georgian Law "On Legal Status of Aliens" ("Georgian Parliament Gazette", 1993, N 8, Art. 127):

In points 1 and 2 of Article 24 after the words "corresponding visa" and "exit visa" to be inserted the words "and migrant's card".

In the title and the text of Article 25 after the word "border" to be added "migration" and the word "agency" to be replaced by the word "agencies".

To the point 3 of Article 29 to be added the words "and within one year after their expulsion they shall not be issued a Georgian entry visa and a migrant's card."

This Law shall enter into force on September 1, 1998.

President of Georgia

Eduard Shevardnadze

No 1482-IIS

June 26, 1998

Tbilisi