

LAW OF GEORGIA ON THE LEGAL STATUS OF ALIENS

Chapter I. General Provisions

Article 1. Aliens

1. In Georgia the following persons shall be considered aliens:
 - a) Persons who are not citizens of Georgia and possess a document certifying citizenship of another state (citizens of a foreign state);
 - b) Stateless persons who possess documents certifying permanent residence in a foreign state (a resident stateless person).
2. In Georgia aliens shall be guaranteed the rights and liberties stipulated by the legislation of Georgia.

Article 2. The Legislation governing Legal Status of Aliens

The legislation governing the legal status of aliens includes the Constitution, the present Law and other legislative acts of Georgia, as well as international treaties to which Georgia is a party and universally recognized international human rights instruments.

Article 3. Fundamental Principles of the Legal Status of Aliens in Georgia

3. Aliens in Georgia shall enjoy the same rights and liberties and undertake the same duties as citizens of Georgia unless otherwise established by the relevant Georgian legislation.
4. Aliens in Georgia are equal before the law regardless of their origin, social and property status, race, national origin, sex, education, language, religion, political or other beliefs, activities and other such factors.
5. Georgia protects the life, personal immunity, rights and freedoms of aliens within its territory.
6. Georgia protects the rights and legitimate interests of stateless persons who temporarily reside abroad but permanently reside in Georgia as equally as it protects its own citizens. The rights and obligations of aliens in Georgia shall not harm the interests of Georgia, infringe upon the rights of the citizens of Georgia or other persons, or cause injury to their legitimate interests.
7. As regards citizens of states in which the rights and freedoms of the citizens of Georgia are intentionally restricted, Georgia may establish parallel restrictions, limiting the rights and freedoms of the citizens of those states.

Article 4. The Obligation of Aliens to Observe the Constitution of Georgia and Laws of Georgia

Aliens in Georgia shall observe the Constitution of Georgia and the laws of Georgia and respect the Georgian language, culture, customs and the traditions of the Georgian people, and the rights and freedoms of ethnic minorities residing in Georgia.

Article 5. Permanent Resident and Temporary Resident Aliens in Georgia

1. Aliens may reside permanently in Georgia by reason of a permanent residence permit and identification card issued pursuant to the applicable procedures.
2. The permanent residence permit may be issued if an alien:
 - a) is Georgian by origin;
 - b) is a parent, spouse, child under the age of 18 or incompetent adult who is the child of a citizen of Georgia;
 - c) is a parent, spouse, child under the age of 18 or incompetent adult who is the child of an immigrant living in Georgia;
 - d) is a person under the guardianship or custody of a citizen of Georgia;
 - e) is a guardian or custodian of a citizen of Georgia; and
 - f) stays in Georgia in the state interests of Georgia;
 - g) meets other requirements stipulated by the legislation of Georgia.
3. The terms provided by Paragraph 2 of the present Article do not apply to the persons who have refused to acquire the citizenship of Georgia in accordance with Paragraph (a) of Article 3 of the Law of Georgia on the Citizenship of Georgia. Such persons shall be considered permanent resident stateless persons.
4. Aliens staying in Georgia on other legitimate grounds are considered persons temporarily staying in Georgia. They shall register their passports or other substitute documents with the respective agencies of

the Ministry of Interior pursuant to the applicable procedures, and leave Georgia upon the expiration of the term of their stay in the country.

Article 6. The Granting of Asylum

1. Georgia grants asylum to aliens persecuted in their countries for protecting human rights and peace, or for pursuing progressive social, political, scientific or any other creative activities.
2. Asylum shall not be granted to those aliens whose beliefs and activities are incompatible with the objectives and principles of the United Nations and the state interests of Georgia.
3. The decision on granting asylum to aliens shall be rendered by the President of Georgia.

Chapter II. Fundamental Rights, Liberties and Obligations of Aliens in Georgia

Article 7. The Right to Work

1. Permanent resident aliens in Georgia may hold any position or engage in any activity which is not prohibited by the legislation of Georgia, except for those which require Georgian citizenship.
2. Temporary resident aliens may also hold any position or engage in any activity if it is consistent with the purposes of their stay in Georgia and is directly supported by the legislation of Georgia.

Article 8. The Right to Rest

Aliens in Georgia have the right to rest and to leisure time on equal terms with the citizens of Georgia.

Article 9. The Right to Health Protection

Aliens in Georgia have the right to health protection in accordance with Georgian legislation and international treaties to which Georgia is a party.

Article 10. The Right to Social Security

1. Permanent resident aliens have the right to receive aid, pensions and other forms of social security on terms equal to those of citizens of Georgia.
2. The matter of social security of aliens, temporary resident aliens and stateless persons shall be resolved in accordance with the applicable legislation of Georgia and international treaties.

Article 11. Material and Personal Immaterial Rights

Aliens may possess property over which they have personal ownership rights, inherit and bequeath property, possess the copyright of a scientific or creative work, discovery, invention, or industrial product, and may possess other material and immaterial rights unless otherwise stipulated by Georgian legislation.

Article 12. The Right to Education

Aliens have the right to education on an equal basis with the right accorded to Georgian citizens pursuant to the applicable Georgian legislation.

Article 13. The Right to Enjoy Cultural Values

1. Aliens have the right to enjoy cultural values on an equal basis with that enjoyed by Georgian citizens.
2. Aliens have the right to use their mother tongue and to protect and develop their national culture and traditions unless it undermines the state interests of Georgia and the legitimate interests and rights of the people residing in the country.
3. Aliens shall protect the historical and cultural monuments and other cultural values of Georgia.

Article 14. The Right to be a Member of Political and Public Association

1. Aliens shall be prohibited from joining political associations, participating in their activities, or setting up political associations in Georgia.
2. Aliens may set up public associations and join trade unions, cooperative organizations, scientific, cultural and sports societies and other public organizations on an equal basis with such rights enjoyed by Georgian citizens, unless such an action is incompatible with the charters of those organizations or Georgian legislation.

Article 15. Freedom of Religion

1. Aliens are guaranteed freedom of thought, belief and religion on an equal basis with those freedoms accorded to Georgian citizens.
2. Incitement of hostility and hatred among followers of different religions or persecution for political and other beliefs shall be prohibited.

Article 16. Matrimonial and Family Relations

1. Aliens may marry or divorce citizens of Georgia and other persons pursuant to Georgian legislation.
2. Aliens have the same rights and duties as Georgian citizens in matrimonial and family relations.

Article 17. Guarantees of Personal Immunity and Privacy of Aliens

1. The legislation of Georgia guarantees aliens personal immunity and inviolability of their home, as well as privacy, respect for dignity and reputation, confidentiality of personal correspondence, the right to free, personal development in economic, social and cultural fields, and other rights.
2. No alien shall be detained or arrested in Georgia unless:
 - a) he attempted to illegally cross the state border of Georgia;
 - b) he is illegally staying in Georgia;
 - c) he committed a crime or some other offence which entails an arrest or detention in accordance with Georgian legislation;
 - d) he was found guilty in court and sentenced to imprisonment or he escaped from the penitentiary and evaded serving a sentence;
 - e) in the case of other cases provided for by Georgian legislation.
3. In the case of detention of an alien, he shall be immediately informed of the reasons for his detention and of the charges that he faces in a language that he understands. He shall also be familiarized with his rights and obligations.
4. In the case of arrest or detention of a foreign citizen, within 48 hours the relevant agencies of the Prosecutor's Office shall inform the consulate or embassy of his country of citizenship. In the case of arrest or detention of a stateless person temporarily staying in Georgia, the consulate or embassy of the state in which the person permanently resides shall be informed thereof.

Article 18. The Right of Aliens to Movement Within the Territory of Georgia and Choose a Place of Residence

Aliens shall enjoy the right to move freely within the territory of Georgia and to choose a place of residence pursuant to the applicable Georgian legislation. Movement of aliens and their choice of a place of residence by them may be restricted in the interests of state security, public order and health, and in defense of the rights and legitimate interests of the citizens of Georgia and other persons.

Article 19. Taxation of Aliens

Taxes and duties imposed upon aliens in Georgia shall be done so on an equal basis with those imposed on Georgian citizens unless otherwise stipulated by legislation and international treaties to which Georgia is a party.

Article 20. Protection of the Rights of Aliens

1. Aliens may apply to court and to other state agencies for protection of their material, personal immaterial and other rights.
2. Aliens shall enjoy the same rights in court as the citizens of Georgia.
3. Any foreign citizen or stateless person temporarily residing in Georgia may at any time apply to the consulate or embassy of the state of his citizenship or permanent residence. In the case of absence of a such mission they shall apply to the consulate or embassy of the state which is authorized to defend the interests of citizens of the state of which the alien is a citizen or in which the stateless person permanently resides.

Article 21. Suffrage

Aliens may neither elect members to nor be elected to Parliament or to any other elective state institution of Georgia. Aliens may not participate in national voting (referendums).

Article 22. Military Service

1. Foreign citizens and stateless persons temporarily residing in Georgia shall be exempt from military service in the Armed Forces of Georgia.

2. Stateless persons permanently residing in Georgia shall be subject to conscription for military service in accordance with the applicable Georgian legislation.

Chapter III Aliens' Entry in and Exit from Georgia

Article 23. Entry in Georgia

1. In order to acquire an entry visa to Georgia aliens must apply to the consulates and embassies of Georgia abroad, or to the respective department of the Ministry of Foreign Affairs of Georgia, and must submit a valid passport or travel document allowing identification of their person, issued by the appropriate agency of the country of their permanent residence.
2. In cases provided for by international treaties to which Georgia is a party, foreign citizens and stateless persons may enter Georgia without an entry visa.
3. A foreign citizen or stateless person shall be prohibited from entering Georgia:
 - a) if he has committed a crime against peace and humanity;
 - b) if he has committed a grave criminal offense during the last five years;
 - c) in the interests of state security or public order;
 - d) if it is necessary for the protection of the rights and legitimate interests of the citizens of Georgia and other persons;
 - e) if it is divulged that he has taken action against Georgia;
 - f) in the interests of public health;
 - g) if during his previous stay in Georgia he violated the requirements of the present laws and other laws of Georgia;
 - h) if when applying for entry to Georgia he provided false information;
 - i) in other cases stipulated by the legislation of Georgia

Article 24. Exit from Georgia

1. Upon exiting Georgia, an alien shall present a valid passport or travel document allowing identification of his person, issued by the appropriate agency of the country of his permanent residence or his migrant's card.
2. Upon exiting Georgia a permanent resident alien shall present to the respective authorities a valid passport or travel document allowing identification of his person, issued by the appropriate agency of the country of his permanent residence, or his migrant's card.
3. A foreign citizen or stateless person shall be prohibited from leaving Georgia:
 - a) if his exit is against the interests of state security, until the elimination of these circumstances;
 - b) if he is suspected or accused of having committed a crime, until the termination of prosecution against him;
 - c) if he is convicted of having committed a crime, until the completion of the term of his sentence or his release;
 - d) in other cases stipulated by the legislation of Georgia.
4. Exit from Georgia of a foreign citizen or stateless person may be postponed, until he has fulfilled his civil obligations.

Article 25. Refusal of Border and Migration Control Authorities to Cross the Border

1. The border and migration control authorities of Georgia may deny aliens right to cross the border of Georgia unless they present duly processed valid passport and other required documents.
2. In the cases envisaged by Paragraph 2 of Article 24 of the present Law and other legislative acts of Georgia the border and migration control authorities of Georgia, may detain an alien at the border and hand him over to the law-enforcement bodies of Georgia.

Article 26. Appealing the Denial of Exit from Georgia

Aliens may appeal the denial of their right to exit from Georgia in court within ten days.

Article 27. Transit

1. Aliens may travel through the territory of Georgia on the basis of a transit visa issued by the agencies indicated in Article 23 of this Law.

2. The procedure for travelling through the border zone of Georgia shall be determined by a special order of the President of Georgia.

Chapter IV. Accountability of Aliens

Article 28. Grounds for accountability for Violating the Law

Aliens who have committed a crime or administrative infraction or any other infraction within the territory of Georgia shall be held responsible in accordance with Georgian legislation unless otherwise stipulated by international treaties to which Georgia is a party.

Article 29. Expulsion from Georgia

1. Foreign citizens and stateless persons temporarily staying in Georgia may be expelled from Georgia:
 - a) if there are no reasons for them to remain in Georgia;
 - b) if they have illegally entered and stayed in Georgia;
 - c) if their stay in Georgia is against the interests of state security and public order;
 - d) if it is necessary in the interests of protection of the health and rights and legitimate interests of the citizens of Georgia and other persons residing in Georgia;
 - e) if they intentionally and regularly violate the laws of Georgia;
 - f) in other cases stipulated by the legislation of Georgia.
2. Decisions on the expulsion of aliens and non-resident stateless persons from Georgia shall be rendered according to the procedure of expulsion determined by the order of the President of Georgia
3. After having been familiarized with a decision on expulsion in a language that they understand, foreign citizens and stateless persons temporarily staying in Georgia shall leave Georgia within the period specified in the decision. If these persons refuse to leave Georgia or fail to leave Georgia within the period specified in the decision without good reason, they shall be expelled by force. No entry visa to Georgia or migrant's card shall be issued to such persons for one year following the expulsion.
4. The decision on expulsion of an alien from Georgia may be appealed in court.

Article 30. Accountability for the Violation of the Rules of Transit in the Territory of Georgia

Aliens shall be held responsible for violating the rules of transit in the territory of Georgia in accordance with Georgian legislation.

Article 31. Accountability of Stateless Persons Permanently Residing in Georgia

No stateless person who permanently resides in Georgia shall be expelled from Georgia. In this case other measures for holding him accountable as stipulated by Georgian legislation shall be applied.

Chapter V. Concluding Provisions

Article 32. Privileges and Immunities of Heads and Staff of Consulates and Embassies Other Persons

The provisions of the present Law shall not apply to the heads and staff of consulates and embassies of foreign states and other persons who enjoy privileges and immunities in accordance with Georgian legislation and international treaties to which Georgia is a party.

Article 33. Application of International Treaties

If international treaties to which Georgia is a party establish rules different from those stipulated by the present Law, the rules established by the international treaties shall be applied.

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Head of State of Georgia

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Tbilisi