

INFORMATION BROCHURE

on Access of Asylum-seekers to Territory and Asylum Procedures in Georgia

Purpose of the brochure

This brochure is aimed at helping relevant Georgian state agencies to identify, receive, interview asylum-seekers and refer them to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (hereinafter – MRA) for asylum procedures. It also provides guidance on standards of treatment of asylum-seekers and their rights.

Role of State Agencies

All staff of state agencies, including border, patrol and other departments of the police may encounter foreign citizens seeking asylum at the border crossing checkpoints, the so-called “*green borders*”, or on the territory of Georgia. The role of the authorities is to identify asylum-seekers among other persons in mixed-migration flows, provide them with information on asylum procedures and refer them to the main migration authority the MRA (*see contact details*).

Role of the Ministry of IDPs from the Occupied Territories, Accommodation and Refugees of Georgia (MRA)

The MRA is *the only government body* responsible for *determining who is a refugee or a person deserving humanitarian status* in Georgia. Therefore, once a person is identified as an asylum-seeker or claims asylum, decision making regarding the person lies with the MRA. The MRA registers the asylum application, completes necessary forms, provides an asylum-seeker certification, conducts an interview, and determines whether to grant refugee or humanitarian status.

Asylum-Seeker and Asylum Request

An asylum-seeker:

- is a foreign citizen or stateless person who is outside her/his country of origin or place of residence;
- wishes to seek asylum in Georgia due to serious risk of her/his life and/or freedom;
- is not able or is unwilling to return to the country of origin due to the serious risk based on her/his race, religion, faith, nationality, membership in a particular social group, political views, or because of violence, external aggression, occupation, internal conflicts, mass violation of human rights or other significant violations of public order.

An asylum-seeker may express their desire to seek protection in Georgia or unwillingness to be returned to the country of origin, conveyed by any statement to Georgian authorities, either made *orally, in writing, with the help of sign language, or by any other means of communication*, indicating that they are fearful of ill-treatment, which shall be considered as an asylum request.

The asylum request may be submitted at the state border or on the territory of Georgia.

Absence of travel or identification documents shall not be an obstacle for filling an asylum application.

The MIA does not need to issue any visa (humanitarian or other type) to an asylum-seeker upon his/her arrival at the border.

Main Guarantees and Standards

Please remember:

- Everyone *has the right to seek and enjoy* in other countries *asylum* from persecution (Art. 14 of the Universal Declaration for Human Rights; Art. 47 of the Constitution of Georgia);
- Asylum-seekers must *not be punished* by fine, detention or imprisonment if they cross the state border or administrative dividing line through the occupied territories of Georgia illegally, including outside official ports of entry, without travel documents or with forged documents (visa, passport, travel document), in order to flee from persecution in their country of origin and seek international protection abroad (Art. 31 of the 1951 Refugee Convention, Article 344 of the Criminal Code of Georgia and Art. 4, paragraph 4, subparagraph a) of the Law of Georgia on Occupied Territories).
- Asylum-seekers shall enjoy *the right to liberty and security of person and to freedom of movement*. Exhaustive list of legitimate grounds for detention is (a) to protect public order (prevention of absconding; manifestly unfounded or clearly abusive asylum claims; initial identity or security verification; preliminary interview); (b) for public or individual healthcare reason (health check in suitable facilities), or (c) to protect national security. In other circumstances, the state authorities should always consider alternatives to detention (registration or deposit of document; bail; designated residence; community release/supervision; reporting conditions; electronic tagging; home curfew) (Art. 9 of the 1951 Refugee Convention, Guideline 2 and 4 of the 2012 UNHCR Detention Guidelines).

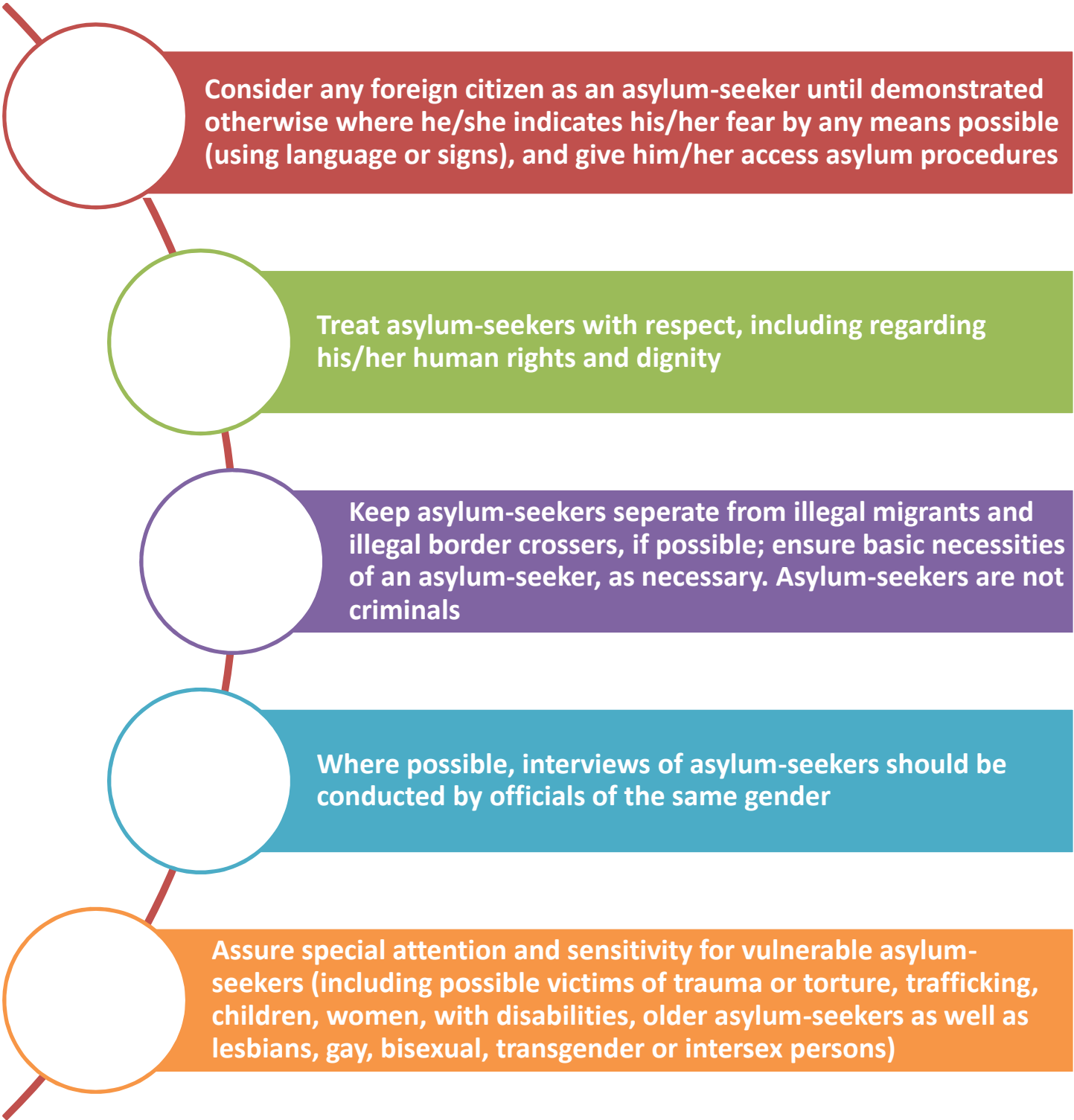
Please respect:

- *The principle of non-refoulement*: an asylum-seeker must not be return to the borders of territories where her/his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion or because of violence, external aggression, occupation, internal conflicts, mass violation of human rights or other significant violations of public order.

The scope of the *non-refoulement* principle: (i) applies to asylum-seekers, refugees and humanitarian status holders without discrimination, including during large-scale influxes of refugees; (ii) entails protection from expulsion, removal, deportation and return, including *chain-refoulement* - removal to a country from which the individual would, in turn, be transferred or returned to another country where he or she would be subject to a serious human rights violation; (iii) contains obligation to provide access to the territory and asylum; (iv) requires identification and asylum procedures in which guarantees of due process; (v) absolutely prohibits expelling, returning or extraditing the individual to a country where there is a real risk of being subjected to torture and inhuman treatment; and (vi) assessment of an individual's risk must be made in an age and gender-sensitive manner.

- *principle of non-discrimination*: every asylum-seeker should have access to the territory and asylum procedures in Georgia without discrimination, which includes any distinction, exclusion, restriction or preference that is based on any grounds including race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by all persons, on an equal footing, of all of the rights contained in human rights (Art. 3 of the 1951 Refugee Convention; Art. 2 of the Law of Georgia on Refugees and Humanitarian Status Holders)
- *principle of confidentiality*: Georgian state agencies (i) **should not share information** provided by an asylum-seeker or refugee (personal data, documents and status in Georgia) **with authorities of the country of origin**; (ii) **should not contact** representation of the country of origin in Georgia or elsewhere; disclosure may result in a breach of the right of the person to privacy and may put her/him or relatives, friends and colleagues at risk; and (iii) **should not share with mass media** personal data of asylum-seekers or other information which may jeopardize the safety of the person and his family members in Georgia or elsewhere. (2003 UNHCR Guidelines on International Protection No. 5).

Treatment of asylum-seekers



Consider any foreign citizen as an asylum-seeker until demonstrated otherwise where he/she indicates his/her fear by any means possible (using language or signs), and give him/her access asylum procedures

Treat asylum-seekers with respect, including regarding his/her human rights and dignity

Keep asylum-seekers separate from illegal migrants and illegal border crossers, if possible; ensure basic necessities of an asylum-seeker, as necessary. Asylum-seekers are not criminals

Where possible, interviews of asylum-seekers should be conducted by officials of the same gender

Assure special attention and sensitivity for vulnerable asylum-seekers (including possible victims of trauma or torture, trafficking, children, women, with disabilities, older asylum-seekers as well as lesbians, gay, bisexual, transgender or intersex persons)

Step-by-step Guidance

The duties and obligations of relevant state agencies, and in particular staff of the MIA are: to identify asylum-seekers in the mixed-migration flows, conduct an initial interview, and refer information about asylum-seekers to the MRA using the following steps:



List of questions for identification of asylum-seekers (non-exhaustive)

Why did you leave your country of origin?	Have you ever been detained in your country of origin?
Is there any reason why you cannot return to your country of origin?	Have your rights ever been violated in your country of origin?
Will you have concerns if we now send you back to your country of origin?	Have you been involved in any military, political, religious or social activities?

Contact Details

If you have any direct or indirect indication from a foreigner that he/she wants to seek asylum in Georgia, or expresses fear of return to the country of origin, or country of actual or previous habitual residence, immediately contact:

The Ministry: Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia

The Ministry is the main State authority responsible for registering asylum-seekers and working with asylum-seekers and refugees;

Address: Tamarashvilist, N15a, Tbilisi, 0177;

Phone number: +995 32 2311523; 2431100;

Reception hours 10:00-18:00

E-mail: rrd@mra.gov.ge



UNHCR: United Nations High Commissioner for Refugees in Georgia

The UNHCR is the main international organization in Georgia working closely with Georgian authorities on asylum issues and supporting an observing asylum procedures;

Address: 2a Kazbegiave, 0160, Tbilisi, Georgia;

Phone number: +995 32 238 62 02; +995 577 41 56 10;

Office hours: 09:00-17:30

Reception hours: Tuesday 10:00-13:00/Thursday 14:00-17:00

E-mail: geotbprt@unhcr.org



UNAG: United Nations Association of Georgia

UNAG is the partner organization of UNHCR providing assistance to asylum-seekers and refugees in Georgia

Address: 2 Dolidze Street 0171, Tbilisi, Georgia

Phone number: +995 32 233 52 16; 233 25 16

Hot-line: +995 577 37 58 97

Office hours: 10:00-18:00

E-mail: una@una.ge



Please note that the information in the brochure is based on international law and Bilateral Order No. 1033-No.2975 of cooperation between the MIA and MRA, which was signed on 23 December 2014. For more information, please consult the document in original, available at <https://matsne.gov.ge/ka/document/view/2602884>