

COUNTRY BRIEFING
August 2024

Georgia



INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>) is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the [European Network on Statelessness \(ENS\)](#),¹ a civil society alliance of over 180 organisations and individuals in 41 countries working to promote the right to a nationality and ensure that stateless people in Europe access their rights.

ENS worked with its member² to research and compile comparative information on statelessness in Georgia.³ This briefing summarises the findings on how Georgian law, policy, and practice performs against international norms and good practice on the protection of stateless people and the prevention and reduction of statelessness. It covers five thematic areas – International and Regional Instruments, Stateless Population Data, Statelessness Determination and Status, Detention and Prevention and Reduction – and makes a series of recommendations to the Georgian Government for reform.

To be stateless is not to be considered as a national by any State under the operation of its law. It is a legal anomaly that prevents more than 10 million people around the world - and more than half a million in Europe - from accessing fundamental civil, political, economic, cultural, and social rights.

INTERNATIONAL AND REGIONAL INSTRUMENTS

Various international and regional treaties provide for the protection of stateless people and the prevention and reduction of statelessness.

Georgia is State party to the 1954 Convention Relating to the Status of Stateless Persons without reservations. It is also party to the 1961 Convention on the Reduction of Statelessness with reservations to allow loss of nationality and to clarify that the entry into force of the Convention should not be understood as recognition of the Russian nationality granted to people living in occupied regions. It is not party to the European Convention Nationality nor the Convention on the Avoidance of Statelessness in Relation to State Succession. Georgia is party to almost all other relevant international treaties with no reservations, except for the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

Georgia should accede to the [European Convention on Nationality](#) and the [Convention on the Avoidance of Statelessness in Relation to State Succession](#).

States should collect reliable quantitative and qualitative data on statelessness and adopt and strengthen measures to count stateless persons on their territory.⁴ Identification of stateless people is the first step to protecting their rights, but also leads to a better understanding of the challenges that need to be addressed. The availability of reliable data is linked to whether procedures to identify and determine statelessness exist.

Official statistics on statelessness in Georgia only record the number of people recognised as stateless through the statelessness determination procedure (SDP). According to the Public Services Development Agency (PSDA), as of June 2023, there were 527 recognised stateless people in the country. Data is disaggregated by age, sex, and region of residence. Most stateless people are recorded as living in the regions of Tbilisi, Kvemo Kartli, Samtskhe-Javakheti, Adjara, and Imereti. A census carried out in 2014 recorded 379 stateless people (167 men and 212 women). The next census is planned for 2024 and also is expected to include a question allowing people to identify as stateless.

Official data categories are clearly defined to prevent overlap. A person cannot be recorded as both stateless and a refugee. However, the number of stateless people in Georgia may be underreported due to the use of the category 'undetermined nationality' when reporting international protection statistics.

In 2022, the PSDA worked in collaboration with UNHCR to carry out a 'door-to-door' campaign aimed at identifying stateless people,

determining their nationality status, and facilitating access to identity documents.

Further identification and accurate data collection on statelessness is challenging due to issues such as the lack of awareness of stateless people about statelessness and the procedure to obtain citizenship, fear of detention or expulsion linked to the absence of documentation, and the lack of referral mechanisms between authorities.

The authorities record and publish data on people held in immigration detention, including their nationality, but there is no data on stateless people held in detention. Stateless people who have not been granted statelessness status (usually recorded as having ‘unknown nationality’), or people who have been imputed a presumed nationality, may be subject to detention for removal.

The Georgian Government should collect data on unrecognised stateless people and clearly define and limit the use of the category ‘undetermined nationality’ for as short a period as possible. The Government should collect and report data on stateless people and people with undetermined nationality held in immigration detention.

The Georgian Government should improve awareness about the SDP and citizenship procedures through targeted information campaigns.



STATELESSNESS DETERMINATION AND STATUS

To be able to provide the protection and rights enshrined in the 1954 Convention, including a residence permit and the right to work, study and facilitated naturalisation, State parties need to be able to identify stateless people on their territory. UNHCR recommends that this is best fulfilled through a dedicated statelessness determination procedure.⁵

Georgia has a dedicated SDP, which was established in law in 2012, and leads to a dedicated statelessness status. The 1954 Convention definition of a stateless person is incorporated in national law. The competent authority is the PSDA within the Ministry of Justice.

An application under the SDP can be submitted in various locations across the country and is examined centrally by the Citizenship and Migration Service of the PSDA. There is no fee to apply, no lawful stay requirement, and no time limit to access the procedure, but an application can only be made in writing in Georgian and the PSDA may not initiate the SDP *ex officio*. The burden of proof for determination of statelessness is mostly on the authority although applicants must provide all necessary documentation. There is no specific standard of proof. Interpretation and translation are available to applicants, but procedural safeguards are insufficient, including because applicants are not entitled to legal aid and must rely on NGOs providing free legal assistance, and interviews are not mandatory. Decisions are communicated in writing but do not always include detailed reasons. There is no referral from the asylum procedure to the SDP, but a referral from the SDP to the asylum procedure is established. Applicants have a right to stay in Georgia, are issued a temporary identification card, and have access to basic rights, including the right to work and emergency healthcare.

People recognised as stateless are granted a renewable three-year temporary residence permit and can apply for naturalisation after five years. Rights granted include a travel document, right to work, primary,

secondary, and higher education, access to healthcare and social security are in line with nationals, except for the right to family reunification and the right to vote. A recent quality assessment resulted in the 2023 Statelessness Action Plan to improve the SDP.

Georgian law on international protection establishes a form of humanitarian status offered to people fleeing war, including stateless and undocumented people fleeing the war in Ukraine.

The Georgian Government should reinforce access to the procedure through accepting applications in any language and orally and enable authorities to initiate applications *ex officio*.

Procedural safeguards should be improved through granting applicants access to legal aid and an interview. Decisions should include detailed reasoning, and a referral from the asylum procedure to the SDP should be established. The Georgian Government should grant stateless people rights in line with nationals, including the right to family reunification and the right to vote.



DETENTION

Stateless people face a heightened risk of arbitrary detention particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking.⁶

Powers for immigration detention in Georgia are provided for in law. While the law provides for alternative measures to detention, these are not always applied in practice and detention for removal is common. A proposed country of removal must be identified prior to detention and detention is only maintained for as long as removal proceedings are in progress.

However, authorities are not obliged to release a person when there is no reasonable prospect of removal. There is no clear referral mechanism to the SDP from detention, although this may happen in practice. There is no definition of vulnerability in law and statelessness is not considered during any vulnerability assessments. There is a time limit on immigration detention, detainees have the right to legal aid to challenge detention, and decisions are given in writing. While people in detention should be informed about their rights and how to access the SDP, this may not happen in practice. Individuals are released from detention where removal is not feasible and are issued a temporary identification card of up to one year, with the right to reside and economic and social rights. However, it is reported that this card is sometimes denied or revoked if circumstances change, and re-detention is possible if removal becomes feasible. The readmission of stateless people is provided for in several agreements that Georgia has entered into with other States.

The Georgian Government should strengthen protections against the arbitrary detention of stateless people, in particular through ensuring that alternative measures to detention are applied in practice and that individuals are released when there is no reasonable prospect of removal.

The Georgian Government should identify and consider statelessness during vulnerability assessments and ensure a referral route from detention to the SDP. It should strengthen the protection of people released from detention.



PREVENTION AND REDUCTION

As State party to the 1961 Convention and the European Convention on Nationality, Georgia has obligations to prevent and reduce statelessness on its territory.

People granted statelessness status in Georgia may apply for naturalisation after a residence period of five years (reduced from the standard ten). While stateless people are exempted from the application fee, other stringent requirements apply.

There is no provision automatically granting Georgian citizenship to all children born in the country who would otherwise be stateless. The safeguard only applies to some children and is contingent on parents' nationality or residence status. Minors with refugee status born in Georgia and stateless minors who have resided in Georgia for five years can acquire citizenship by application. Foundlings are granted Georgian citizenship, but only by application. There are safeguards in law to prevent statelessness arising for children born to Georgian parents abroad. However, a child adopted by Georgian parents does not automatically acquire citizenship.

Georgian law provides that all children are registered immediately at birth regardless of the migration or residence status of the parents. However, there may be barriers for some parents to register their children, including undocumented migrants, as there is no clear firewall prohibiting the sharing of information by health or civil registry authorities with immigration authorities. Same-sex parents also face barriers to registering births, given that Georgian law does not recognise same-sex marriage or surrogacy agreements contracted abroad.

The 2022 'door-to-door' campaign aimed at identifying stateless individuals, determining their nationality status, and providing identity documents at no cost led to a reduction in the number of people with undetermined nationality. However, a significant part of the Romani population remains at risk of statelessness due to a lack of documentation, which hinders their access to essential services such as healthcare and education, and perpetuates their marginalisation.

While deprivation of nationality is prohibited by the Constitution, loss of nationality is permitted by law in some circumstances and there is no safeguard to prevent statelessness, although no case of resulting statelessness has been reported.

The Georgian Government should introduce measures to facilitate the naturalisation procedure for stateless applicants.

The Georgian Government should enact and implement legislation to ensure that all children born in Georgia who would otherwise be stateless acquire a nationality as soon as possible after birth, regardless of the status or identity of their parents.

The Georgian Government should take measures to prevent discrimination in access to birth registration and nationality for the children of same-sex parents.

The Georgian Government should remove all practical barriers to birth registration in law, policy, and practice, taking into account UNHCR guidance, with a particular focus on minoritised groups including Romani communities and children of same-sex parents, so that all children are registered immediately regardless of their parents' documentation or residence status, gender or sexual identity.

The Georgian Government should ensure that members of minoritised populations, including Romani communities, have access to fundamental rights in law and in practice without any discrimination, including through the adoption of a community-based approach to design policies and solutions to address the discrimination and marginalisation of Romani communities.

The Georgian Government should adopt safeguards to prevent statelessness in the case of loss of nationality.

SUMMARY OF RECOMMENDATIONS

The Georgian Government should:

- Accede to the European Convention Nationality and the Convention on the Avoidance of Statelessness in Relation to State Succession.
- Improve the collection of data on unrecognised stateless people and clearly define and limit the use of the category 'undetermined nationality' for as short a period as possible.
- Reinforce access to the statelessness determination procedure through targeted information campaigns, accepting applications in any language and orally, and enabling authorities to initiate applications *ex officio*.
- Improve procedural safeguards to grant applicants access to legal aid and an interview. Decisions should include detailed reasons, and a referral from the asylum procedure to the SDP should be established. Rights granted to recognised stateless people should be in line with nationals, including the right to family reunification and the right to vote.
- Strengthen protections against the arbitrary detention of stateless people through ensuring that alternative measures to detention are applied in practice and release when there is no reasonable prospect of removal. Statelessness should be identified and considered during vulnerability assessments and a referral route from detention to the SDP should be ensured. Protection of people released from detention should be strengthened.
- Introduce measures to facilitate the naturalisation procedure for stateless applicants.
- Enact and implement legislation to ensure that all children born in Georgia who would otherwise be stateless acquire a nationality as soon as possible after birth, regardless of the status or identity of their parents.
- Take measures to prevent discrimination in access to birth registration and nationality for the children of same-sex parents.
- Remove all practical barriers to birth registration in law, policy, and practice, taking into account UNHCR guidance, with a particular focus on minoritised groups including Romani communities and children of same-sex parents, so that all children are registered immediately regardless of their parents' documentation or residence status, gender or sexual identity.
- Ensure that members of minoritised populations, including Romani communities, have access to fundamental rights in law and in practice without any discrimination, including through the adoption of a community-based approach to design policies and solutions to address the discrimination and marginalisation of Romani communities.
- Adopt safeguards to prevent statelessness in the case of loss of nationality.

ENDNOTES

¹ <https://www.statelessness.eu/>.

² Salome Jokhadze, Rights Georgia, <https://www.rights.ge/en>.

³ <https://index.statelessness.eu/country/georgia>.

⁴ Conclusions of the Council of the European Union and the Representatives of the Governments of the Member States on Statelessness, 4 December 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/>.

⁵ UNHCR (2014) Handbook on Protection of Stateless Persons, available at:

<http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbookprotection-stateless-persons.html>

⁶ ENS (2017) Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change, available at:

<https://www.statelessness.eu/updates/publication/protecting-stateless-persons-arbitrary-detention-agenda-change>

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