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## Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

During the last decade, Georgia has greatly improved its legislation, policy, and practice concerning the prevention and reduction of stateless persons, as well as their protection. Georgia acceded to the 1954 Convention relating to the Status of Stateless Persons in December 2011, and to the 1961 Convention on the Reduction of Stateless Persons in July 2014 and established a Statelessness Determination Procedure (SDP) in June 2012. It is the only country in the South Caucasus to have such procedures. The Law on the Legal Status of Foreigners and Stateless Persons (2012) includes a definition of stateless persons in compliance with the 1954 UN Convention and provisions related to their rights and responsibilities.

The majority of formally recognized stateless persons have long-established ties with Georgia, such as birth and long-term habitual residence after the dissolution of the Soviet Union. However, many of these persons failed to prove their residence on the Georgian territory within the required time frame, leaving them in a protracted situation of statelessness. The Public Service Development Agency maintains registration data of formally recognized stateless persons in the general population registry of Georgia. However, the recorded data of 527 stateless individuals is rather outdated and requires validation. The number of stateless persons has been steadily decreasing since the introduction of the SDP in Georgia[1].

In 2019, at the High-Level Segment on Statelessness at UNHCR's 70th ExCom annual plenary session, the Government of Georgia submitted pledges aimed at improving both legislation and practice concerning statelessness, focusing on identification, reduction, and protection of statelessness. For this the Government is commended. The pledges include:

- facilitated naturalisation through reduced years of residence from 10 to 5 years. Implementation of the pledge is underway, awaiting Parliament's adoption.
- facilitated access to the SDP through a reduced fee (from 50 to 25 GEL). This was fulfilled in 2022 as per international practice, by entire removal of the fee.
- provision of free legal aid by the state during the entire SDP including in court representation. Implementation of this pledge is delayed.
- access to emergency medical care under the state universal healthcare program for persons in the SDP. Pledge has been implemented in 2022 with the MoH amending the legislation to allow persons in the SDP to have access to emergency outpatient healthcare and to include those having temporary residence permit in the social assistance scheme.
- a "door-to-door" campaign aiming at identifying and documenting stateless persons who have not yet come forward for one reason or another. Campaign was implemented in 2022.
- commitment to work with UNHCR to raise awareness and foster a common understanding about statelessness in an inclusive manner. Irrespective of multiple information campaigns and outreach, stateless individuals are generally less informed about their rights and benefits. Activities to increase awareness of the issue need to be intensified.

One of the major remaining concerns to UNHCR is the lack of a legal provision in the Citizenship Law of Georgia regulating cases when a child might be at risk of statelessness. Inclusion of such a provision in the citizenship legislation would further align it with the 1961 Convention that requires that contracting states in which the child is born, grant nationality to a child who would otherwise be stateless.

**Note: Georgian language differentiates between the terms 'citizenship' and 'nationality'. While citizenship is a legal term specifically referring to the legal bond between an individual and a certain country, nationality is more connected to a person's ethnicity. For this reason, the Statelessness Index on Georgia sometimes refers to the term 'citizen' and 'citizenship' as it has a particular connotation in the national context, although it is interchangeable with the term 'nationality' according to international law.**

Notes:

[1] 2012 – 1,156 stateless persons; 2013 – 775 persons; 2014 – 770 persons; 2015 – 627 persons; 2016 – 580 persons; 2017 - 591 persons; 2018 - 571 persons, 2019 – 560 persons, 2020 – 559, 2021 – 530, 2022 – 530.

## International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	Georgia is a State Party to the Convention relating to the Status of Stateless Persons, in force since March 22, 2012.	United Nations Treaty Collection: <a href="#">Convention relating to the Status of Stateless Persons</a>  Legislative Herald of Georgia: <a href="#">Convention relating to the Status of Stateless Persons</a>
IOB.1.b		If yes, when was ratification/accession?		Accession on December 9, 2011.	Parliament of Georgia: <a href="#">Resolution No. 5457-III of the Parliament of Georgia</a>
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No.	United Nations Treaty Collection: <a href="#">Convention relating to the Status of Stateless Persons</a>  Legislative Herald of Georgia: <a href="#">Convention relating to the Status of Stateless Persons</a>
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	No, international treaties do not have a direct effect in Georgia, according to the Constitution of Georgia (Article 4(5)) and the Organic Law of Georgia on Normative Acts (Article 7(5)). However, the legislation of the country must align with universally recognized principles and norms of international law. An international treaty of Georgia holds precedence over domestic normative acts unless it conflicts with the Constitution or the Constitutional Agreement of Georgia. Many of the provisions of the Convention have been transposed into national law through various instruments, including the Law on Foreigners and Stateless Persons as amended in 2012 (see SDS section).	Legislative Herald of Georgia: <a href="#">Constitution of Georgia</a>  <a href="#">Organic Law of Georgia on Normative Acts</a>
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	Georgia is a State Party to the Convention relating to the Status of Stateless Persons, in force since September 29, 2014.	United Nations Treaty Collection: <a href="#">Convention on the Reduction of Statelessness</a>  Legislative Herald of Georgia: <a href="#">Convention on the Reduction of Statelessness</a>
IOB.2.b		If yes, when was ratification/accession?		Ratification on April 2, 2014.	Legislative Herald of Georgia: <a href="#">Resolution No. 2176-III of the Parliament of Georgia</a>
IOB.2.c		Are there reservations in place? Please list them.	As above	Yes. Georgia reserved the right to deprive a person of citizenship, which is manifested by the loss of citizenship, as provided for by the Organic Law of Georgia on Georgian Citizenship. Furthermore, by the resolution No.2176-III of the Parliament of Georgia, it was determined that the entry into force of the Convention for Georgia should not be understood as the recognition of the citizenship granted by the Russian Federation to the population living in Abkhazia and Tskhinvali regions of Georgia (Georgia's occupied regions by the Russian Federation) in violation of international law and Georgian legislation.	United Nations Treaty Collection: <a href="#">Convention on the Reduction of Statelessness</a>  Legislative Herald of Georgia: <a href="#">Convention on the Reduction of Statelessness</a>
IOB.2.d		Does the Convention have direct effect?	As above	No. International treaties do not have a direct effect in Georgia, according to the Constitution of Georgia, however the legislation of the country must align with universally recognized principles and norms of international law. An international treaty of Georgia holds precedence over domestic normative acts unless it conflicts with the Constitution or the Constitutional Agreement of Georgia. Some of the provisions of the Convention have been transposed into national law through various instruments, including the Organic Law on Georgian Citizenship of 2014 (see PRS section).	Legislative Herald of Georgia: <a href="#">Constitution of Georgia</a>

IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="#">European Convention on Nationality, 1997</a>	No.	Council of Europe, Chart of Signatures and Ratifications of Treaty No. 166: <a href="#">Chart of Signatures and Ratifications of the European Convention on Nationality</a>
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="#">European Convention on Human Rights, 1950</a>	Georgia is a State Party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified on 20 May 1999, with no relevant reservations.	Council of Europe, Reservations and Declarations for Treaty No. 005: <a href="#">Convention for the Protection of Human Rights and Fundamental Freedoms</a>  Legislative Herald of Georgia: <a href="#">Convention for the Protection of Human Rights and Fundamental Freedoms</a>
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	<a href="#">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	No	Council of Europe, Details of the Convention No. 200: <a href="#">Details of the Convention on the Avoidance of Statelessness in Relation to State Succession</a>
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)</a>	No	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals</a>
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child, 1989</a>	Georgia is a State Party to the Convention on the Rights of the Child, in force since 2 July 1994, with no relevant reservations.	United Nations Treaty Collection: <a href="#">Convention on the Rights of the Child</a>  Legislative Herald of Georgia: <a href="#">Convention on the Rights of the Child</a>
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights, 1966</a>	Georgia is a State Party to the International Covenant on Civil and Political Rights, in force since 3 August 1994, with no relevant reservations.	United Nations Treaty Collection: <a href="#">International Covenant on Civil and Political Rights</a>  Legislative Herald of Georgia: <a href="#">International Covenant on Civil and Political Rights</a>
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights, 1966</a>	Georgia is a State Party to the International Covenant on Economic, Social and Cultural Rights, in force since 3 August 1994, with no relevant reservations.	United Nations Treaty Collection: <a href="#">International Covenant on Economic, Social and Cultural Rights</a>  Legislative Herald of Georgia: <a href="#">International Covenant on Economic, Social and Cultural Rights</a>
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women, 1979</a> <a href="#">CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness</a>	Georgia is a State Party to the Convention on the Elimination of all Forms of Discrimination Against Women, in force since 25 November 1994, with no relevant reservations.	United Nations Treaty Collection: <a href="#">Convention on the Elimination of All Forms of Discrimination against Women</a>  Legislative Herald of Georgia: <a href="#">Convention on the Elimination of All Forms of Discrimination against Women</a>
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</a>	Georgia is a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in force since 25 November 1994, with no relevant reservations.	United Nations Treaty Collection: <a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</a>  Legislative Herald of Georgia: <a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</a>
IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination, 1965</a>	Georgia is a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination, in force since 2 July 1999, with no relevant reservations.	United Nations Treaty Collection: <a href="#">International Convention on the Elimination of All Forms of Racial Discrimination</a>  Legislative Herald of Georgia:

					<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination</a>
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990</a>	No	United Nations Treaty Collection: <a href="#">International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</a>
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	<a href="#">Convention on the Rights of Persons with Disabilities, 2006</a>	Georgia is a State Party to the Convention on the Rights of Persons with Disabilities, in force since 12 April 2014, with no relevant reservations. Georgia has the sole declaration regarding article 12 to interpret it in conjunction with respective provisions of other international human rights instruments and its domestic law and will therefore interpret its provisions in a way conferring the highest legal protection for safeguarding the dignity, physical, psychological and emotional integrity of persons and ensuring the integrity of their property.	United Nations Treaty Collection: <a href="#">Convention on the Rights of Persons with Disabilities</a>  Legislative Herald of Georgia: <a href="#">Convention on the Rights of Persons with Disabilities</a>

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p> <p><a href="#">International Recommendations on Statelessness Statistics (IROSS)</a> (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p>	<p>Yes. According to the information obtained from the Public Services Development Agency (hereinafter PSDA), the agency is responsible for processing data related to citizens of other countries residing in Georgia, Georgian citizens, stateless persons, and persons with international protection. This data processing is conducted in accordance with the legal provisions and regulations in place.</p> <p>As of 15 June 2023, the electronic database of the PSDA indicates that there are 527 recognised stateless persons in Georgia through the SDP. The PSDA processes this data and categorizes it based on factors such as age, sex, and region.</p> <p>According to the data provided by the PSDA, the largest number of stateless persons is recorded in the regions of Tbilisi, Kvemo Kartli, Samtskhe-Javakheti, Adjara, and Imereti.</p> <p>Statistics on stateless individuals in Georgia were collected and processed within the 2014 General Population Census of Georgia, according to which the number of stateless persons in Georgia [as of November 5, 2014] was 379. It is important to note that data were processed in a disaggregated manner, including by sex (167 men and 212 women), age, country of birth, region, and level of education.</p> <p>The census conducted in 2014 had a separate category under the citizenship question which allowed the person to identify as stateless. While the respective forms have not yet been approved for the upcoming 2024 census, there can be a reasonable expectation that this aspect will remain unchanged.</p>	<p>Public information received from the <a href="#">Public Service Development Agency</a></p> <p>Officially published 2014 General Population Census Results (population disaggregated by sex and age): <a href="https://www.geostat.ge/en/modules/categories/743/international-migration">https://www.geostat.ge/en/modules/categories/743/international-migration</a></p> <p>2014 General Population Census forms: <a href="https://www.geostat.ge/en/modules/categories/568/2014-general-population-census">https://www.geostat.ge/en/modules/categories/568/2014-general-population-census</a></p> <p>Form #2 – personal questionnaire for the 2014 General Population Census: <a href="https://www.geostat.ge/media/20676/Form--2e.pdf">https://www.geostat.ge/media/20676/Form--2e.pdf</a></p>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>According to the information provided by the PSDA, the status of a refugee and a stateless person in Georgia is not assigned to an individual simultaneously. Therefore, the data on stateless persons specifically refers to those individuals who have been granted the status of a stateless person in Georgia. If it is determined that the applicant for statelessness status has grounds to apply for international protection, the proceedings will be halted and the person will be referred to an international protection claim (see SDS section). If e.g., a person of Palestinian origin is granted international protection in Georgia, official documents might have a line indicating that individual is 'stateless', although not a 'Person with Statelessness Status in Georgia'. In some cases, asylum authority might also use 'undetermined nationality' for children who are born in a refugee/asylum-seeking family and whose nationality is not confirmed or defined. All these do not create any risks of overlap in the data, as guardian of documentation/registration/issuance of documents is PSDA and all these categories are clearly defined.</p> <p>The statistical data provided by the Ministry of Internal Affairs indicating the number of humanitarian status holders and asylum seekers who are stateless persons in Georgia at the same time contains the category of undetermined citizenship. While these persons are not officially recognized as stateless persons in Georgia there may exist such possibility regarding these persons</p>	Public information received from the <a href="#">Public Service Development Agency</a>



				that could result in underreporting of stateless population. Between 2019 and 2023, there were 19 refugees, 33 humanitarian status holders, and 122 asylum seekers recorded as having 'undetermined nationality'. With regard to children having undetermined nationality between 2019-2023, there were 108 asylum-seekers, 18 refugees, and 33 humanitarian status holders.	
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	There is no officially published estimation for persons at risk of statelessness in Georgia. UNHCR uses the official government data and does not publish any estimates, given the recent "Door to door" campaign that was intended to fill in all the gaps related to identification of all stateless individuals or those at risk of statelessness. UNHCR's Refugee Data Finder records 525 persons as of 2022 in the country that are stateless. This refers to persons officially recognised as stateless through the SDP by the respective administrative body (PSDA), according to data provided by the Government.	UNHCR Refugee Data Finder: <a href="#">Stateless People in Georgia</a>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	In 2022, the State implemented one of the pledges made at the High-Level Segment on Statelessness in 2019 to undertake a door-to-door campaign, aiming at identifying the unreported and undocumented stateless population. This exercise was implemented by the PSDA in partnership with UNHCR. As anticipated, the "Door-to-Door" campaign allowed for the collection of accurate data and ensuring the documentation of all undocumented individuals residing on the territory of Georgia. The purpose was to identify unregistered stateless persons and persons at risk of becoming stateless, to document them through establishing citizenship or statelessness status, as well as to raise general awareness on the statelessness problem among municipalities and local administrative bodies. In total, within the framework of the Campaign, data on a total of 762 persons were revised, of which 38 people were granted Georgian citizenship while 4 cases are still being processed in the SDP. As for the rest (around 700 processed individual data), the possession of the citizenships of the Russian Federation, Armenia or Azerbaijan was confirmed, and there was thus no need for the Georgian authorities to proceed with the cases.	Officially published 2014 General Population Census Results (population disaggregated by sex and age): <a href="https://www.geostat.ge/en/modules/categories/743/international-migration">https://www.geostat.ge/en/modules/categories/743/international-migration</a>  <a href="#">Public Service Development Agency held a closing event for the implemented "Door-to-Door" Campaign and its results</a>
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No.	
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	Identification and further data collection on stateless individuals to have the most accurate figures about the stateless population in the country are linked to several challenges. Stateless persons sometimes might not be aware of the concept of statelessness and how to navigate legal proceedings to acquire status, as well as lack of awareness of how to obtain citizenship might also be discouraging for stateless individuals to seek status, due to bureaucratic requirements. The absence of valid documentation and the further fear of detention or expulsion can also deter stateless persons from identifying as stateless or applying to the Agency to acquire statelessness status or citizenship.	

				Lack of proper referral services and mechanism between different state bodies may be reflected in underreporting of undocumented persons.	
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. <a href="#">EASO/EUAA, Practical guide on registration (2021)</a> : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	As noted above, according to the information provided by the PSDA, the status of a refugee and a stateless person in Georgia is not assigned to an individual simultaneously. Therefore, the data on stateless persons specifically refers to those individuals who have been granted the status of a stateless person in Georgia.  At the same time, proactively published statistical information by the Ministry of Internal Affairs indicate the number of humanitarian status holders and asylum seekers who are stateless persons in Georgia at the same time. These figures are given from 2019 to the first quarter of 2023 and show that during this period, out of a total 4,608 registered asylum seekers, only 37 were stateless. As for humanitarian status holders, only 7 stateless persons (mainly with Palestinian origin) were identified out of 633 persons.  One aspect of recording the number of persons in respective categories is that the statistical data provided by the Ministry of Internal Affairs contains the category of ‘undetermined citizenship’. While these persons are not officially recognized as stateless persons in Georgia there may exist such possibility regarding these persons that could result in underreporting of stateless population. Between 2019 and the first quarter of 2023, there were 17 refugees, 29 humanitarian status holders, and 101 asylum seekers recorded as having ‘undetermined nationality’.	Public information received from the <a href="#">Public Service Development Agency</a>  Official Statistics of the Ministry of Internal Affairs of Georgia: <a href="#">MIA Public Information on Migration</a>
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Improve quantitative and qualitative data on stateless populations. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. <a href="#">ISI, The World’s Stateless (2014)</a> : States should strengthen measures to count stateless persons on their territory. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. <a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a> : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.	The Ministry of Internal Affairs of Georgia compiles and publishes statistics on the placement of detainees in the temporary detention centre for the purpose of deportation. There is data on the nationality of detainees, however, statelessness is not a separate disaggregated category.  Here, it is important to once again highlight that the officially recognised stateless persons have respective residence permits and the legal status to lawfully reside in Georgia. Therefore, they should not be expelled from the country during their lawful residency and therefore, there is no need for this category to be mentioned in the statistics as they won’t be detained for expulsion purposes. Furthermore, if authorities identify individuals who are without documents, at risk of statelessness, they usually refer those cases to PSDA for the initiation of the SDP.	Official Statistics of the Ministry of Internal Affairs of Georgia: <a href="#">MIA Public Information on Migration</a>
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	The Ministry of Internal Affairs only publishes statistics (disaggregated by sex, age, and nationality) on the persons removed from the country. It collects but does not publish data on the numbers of people released from immigration detention, including due to the impossibility of removing them, although this information might be available upon request.	Official Statistics of the Ministry of Internal Affairs of Georgia: <a href="#">MIA Public Information on Migration</a>  Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 51).  UNHCR Georgia



				<p>Since stateless persons who have been granted status in Georgia are issued a residence permit, which allows them to legally reside in the country and the residence permit serves as legal documentation of their status and provides them with the right to stay in Georgia, they cannot be detained for removal in practice. On the other hand, stateless persons who have not been granted status, usually recorded as having 'unknown nationality', may not have the same legal protection and may be subject to detention for removal, although information about such cases is not known to UNHCR.</p>	
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## Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<a href="#">1954 Convention</a> : Articles 1(1) & 1(2).	Yes. The Law of Georgia on the Legal Status of Foreigners and Stateless Persons defines a stateless person as a person who is not considered a citizen by any State under its legislation (Article 2). This official translation is narrower than the 1954 Convention, but the law uses the terms ‘under its legislation’ and ‘under the operation of its law’ interchangeably as Georgian language does not distinguish the difference between the two terms. As for the exclusions, the Ordinance of the Government of Georgia No. 523 on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia explicitly establishes that a status seeker may be refused status determination, if the circumstances under Article 1(2) of the UN Convention relating to the Status of Stateless Persons of 28 September 1954 apply to him/her (Article 10).	Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons (Georgian version – fully consolidated)</a> ; English version of the law consolidated up to 30.03.2021: <a href="https://matsne.gov.ge/ka/document/view/2278806?impose=translate&amp;publication=12">https://matsne.gov.ge/ka/document/view/2278806?impose=translate&amp;publication=12</a>  <a href="#">Ordinance of the Government of Georgia No. 523 on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia (Georgian version – fully consolidated)</a> ; English version_ <a href="https://matsne.gov.ge/ka/document/view/2483498?impose=translate&amp;publication=0">https://matsne.gov.ge/ka/document/view/2483498?impose=translate&amp;publication=0</a>
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<a href="#">UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006)</a> : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	In 2022, Georgia addressed one of its important pledges and conducted a full-scale “door-to-door” campaign in order to further identify stateless persons. The important part of the campaign was informational meetings with the different segments and actors, including local government officials and representatives in almost every region of the country. These meetings aimed not only to identify stateless persons but also to use the opportunity to train the municipal authorities on citizenship and statelessness issues.  UNHCR also supports the Public Services Development Agency (PSDA) to do round of trainings for the Justice House Operators, who are the direct contact for most stateless persons at the start of their determination procedures. Thus, these trainings serve as the opportunity to update the professionals on the new developments in the area of citizenship and statelessness.  UNHCR also provided training for the staff of the office of the Public Defender of Georgia (NHRI). Training on statelessness was also delivered for the staff of the implementing partner NGOs.  UNHCR also participates in TV programs that target the issue of statelessness and uses the opportunity to raise awareness among general public on this particular issue. In addition, UNHCR also delivers Public Lectures to University students, with the same focus. UNHCR works with the journalists and raises awareness among them on statelessness issues, which in some cases translates into increased interest among media outlets to cover those issues.  In 2022, the PSDA organised training sessions on the topic of “Legislative issues in the direction of citizenship and statelessness” for the structural units within the agency.	Public information received from the <a href="#">Public Service Development Agency</a>  Public Service Development Agency: <a href="#">Informational Meetings on Statelessness</a>  <a href="#">Informational Meetings on Statelessness in Telavi and Rustavi Municipalities</a>  <a href="#">Information on Door to door campaign “Show your existence”</a>  - <a href="https://www.facebook.com/UNHCRGeorgia/posts/pfbid02ffGde4rXwEKRXuRpyjpxiv4YCYGJruXKSPrczKT238s8hj8eVCf3W9fiT1ZCJkSl">https://www.facebook.com/UNHCRGeorgia/posts/pfbid02ffGde4rXwEKRXuRpyjpxiv4YCYGJruXKSPrczKT238s8hj8eVCf3W9fiT1ZCJkSl</a> - <a href="https://www.facebook.com/UNHCRGeorgia/posts/pfbid022ubg7RpgvppAsQ8ctdNob5RjvDKPmjX6zSPnV8yBUeqW5aTonia84DeQxnYMETXL">https://www.facebook.com/UNHCRGeorgia/posts/pfbid022ubg7RpgvppAsQ8ctdNob5RjvDKPmjX6zSPnV8yBUeqW5aTonia84DeQxnYMETXL</a> - <a href="https://www.facebook.com/UNHCRGeorgia/posts/pfbid02sTufspvmj4GdLkGXC78cuGjemf9Y8aRRzxVr7MM6xtL1GwNaMJYCnw8pNa1VBHl">https://www.facebook.com/UNHCRGeorgia/posts/pfbid02sTufspvmj4GdLkGXC78cuGjemf9Y8aRRzxVr7MM6xtL1GwNaMJYCnw8pNa1VBHl</a> - <a href="https://www.facebook.com/UNHCRGeorgia/posts/pfbid02CUiLub97qGFzhsYHKmTXpJRT4QKuJHBGZDDWH9sMkVrWRGoWkBFbeDfjA954S6ofl">https://www.facebook.com/UNHCRGeorgia/posts/pfbid02CUiLub97qGFzhsYHKmTXpJRT4QKuJHBGZDDWH9sMkVrWRGoWkBFbeDfjA954S6ofl</a>  <a href="#">Public lecture at Ilia State University dedicated to the 60th anniversary of 1961 Statelessness convention</a>
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : It is recommended that States provide specialised training on nationality laws and practices,	Efforts are currently underway to enhance the accessibility of free legal aid for stateless persons in Georgia. In collaboration with UNHCR, initiatives are being pursued to expand the mandate of the legal aid service and propose necessary legislative amendments. UNHCR actively cooperates with the Legal Aid Service (LAS), a public entity, including providing their staff with training on the topics of statelessness and asylum. Although LAS is not yet mandated to represent statelessness cases in courts, this particular legal aid service provider is entitled to provide legal assistance to stateless	Public information received from the <a href="#">Public Service Development Agency</a>  Legal Aid Service and UNHCR: <a href="#">Training on Statelessness</a>  <a href="#">Discussion of Expanding the Mandate of the Legal Aid Service Has Begun</a>

			international standards and statelessness to officials responsible for making statelessness determinations.	people on different issues, thus their preparedness and capacity requires constant development.  Furthermore, UNHCR has a rather effective cooperation with the judiciary in Georgia and advocates for specialisation of judges on migration and refugee law, which should include cases of statelessness too. While for the moment, the number of cases appealed to the common courts in Georgia is only a handful, UNHCR invested resources to provide some basic capacity building for the administrative law judges with the engagement of Gábor Gyulai on statelessness. Statelessness issues are also highlighted during different capacity-building events organised by UNHCR that target administrative law judges in Georgia.	<a href="#">Training for lawyers</a>  <a href="#">Training on SDP for the Public Service Development Agency, Public Defender's Office, the Ministry of Health, Migration Department, Integration Centre, Humans Rights Secretariat and NGOs - World Vision and IRC</a>
SDS.3.a	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b></p> <p><b>1.</b> There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (<b>answer Question SDS.3.b. and proceed to Question 4a</b>).</p> <p><b>2.</b> There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (<b>answer Question SDS.3.b. and proceed to Question 10a</b>).</p> <p><b>3.</b> There is a dedicated statelessness status but no formal procedure for determining this (<b>answer Question SDS.3.b. and proceed to Question 15a</b>).</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>Group 1 - There is a dedicated statelessness determination procedure (SDP) established in law leading to a dedicated statelessness status, introduced in 2012. The Citizenship and Migration Service of the Public Service Development Agency (PSDA) of the Ministry of Justice is the competent authority.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Georgian version – fully consolidated);                      English version of the law consolidated up to 30.03.2021:  <a href="https://matsne.gov.ge/ka/document/view/2278806?impose=translate&amp;publication=12">https://matsne.gov.ge/ka/document/view/2278806?impose=translate&amp;publication=12</a></p> <p><a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Georgian version – fully consolidated);                      English version_  <a href="https://matsne.gov.ge/ka/document/view/2483498?impose=translate&amp;publication=0">https://matsne.gov.ge/ka/document/view/2483498?impose=translate&amp;publication=0</a></p>

<p>SDS.3.b</p>	<p>Temporary protection for people fleeing war</p>	<p>Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine (through the EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless persons who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, please state so. Please describe any other barriers for stateless people or people at risk of statelessness in accessing the territory or receiving temporary protection, asylum, or other protection.</p>	<p><a href="#">EU Temporary Protection Directive (2001)</a> <a href="#">EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine &amp; European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine</a>: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>The State does not offer any particular temporary form of protection to stateless people and people at risk of statelessness from Ukraine. While Georgia is not an EU Member State and thus not obliged to respect the EU Temporary Protection Directive, Georgian legislation on international protection generally establishes a form of humanitarian status (which serves as a form of complementary protection) that is adequate for persons fleeing Ukraine. Namely, this form of protection is offered to persons fleeing war situations in their country of citizenship or the country of their habitual residence. This was/is the form of protection Georgia uses for protecting persons coming from Ukraine because of war. People coming from Ukraine who are Ukrainian nationals or people, including stateless people, who have a habitual residence in Ukraine (permanent or temporary), people recognised stateless in Ukraine and undocumented people are eligible to apply for international protection, including humanitarian status. No hindrance or barriers have been reported and the law provides for flexibility in what documentation should/could be submitted and taken into consideration. Moreover, it has to be noted that since the start of the full-scale Russian invasion of Ukraine in February 2022, the Migration Department of the Ministry of Internal Affairs has been assessing the claims from Ukrainian citizens or persons from Ukraine in a prioritised manner, which takes on average one month. Humanitarian status is issued for one year and can be renewed annually if the grounds for granting this form of protection in the first place (like the war in Ukraine) have not changed. Persons having humanitarian status have access to state healthcare services, right to work, education, etc.</p> <p>When it comes to access to the territory of Georgia the border guard has the discretion to decide on granting access to the country's territory. In practice, there have not been any obstacles for persons having either Ukrainian citizenship or habitual residence in Ukraine. At the same time, any document, even those that had expired, were considered valid in order for them to have access to Georgian territory and the practicing lawyers have not identified barriers for the abovementioned categories of persons. Neither has there been cases of UKR nationals denied entries that became known to UNHCR.</p>	<p>Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.</p> <p><a href="#">Law of Georgia on International Protection</a>; article 30, paragraph 1; <a href="#">English version</a>.</p>
<p>SDS.4.a</p>	<p>Access to the procedure (Group 1)</p>	<p>Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	<p>A person should apply for statelessness status to the public entity operating under the Ministry of Justice - the Public Service Development Agency ('PSDA' or 'the Agency'). The application can be submitted to any territorial unit of the PSDA or any branch of the Justice House, a public entity operated under the Ministry of Justice, which is a designated entity for submitting applications to access general public services, including PSDA services.</p> <p>The Citizenship and Migration Service of the PSDA plays a crucial role in the process of reviewing applications for statelessness status. As the responsible body, it conducts thorough assessments and prepares draft decisions regarding the determination of statelessness status. The service is tasked with verifying and examining the key criteria outlined in the application for granting statelessness status. This includes carefully assessing the circumstances of the applicant, documentation, and supporting evidence to determine their eligibility for statelessness status.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 2); <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 3); <a href="https://matsne.gov.ge/document/view/4714514?publication=9">https://matsne.gov.ge/document/view/4714514?publication=9</a> (Article 17);</p> <p>Interview with the lawyers working on the SDP cases in Georgia.</p>



				<p>It is important to note that the Citizenship and Migration Service of the PSDA is the same body that handles the applications for Georgian citizenship on merits, as well as determining the legal connection of an applicant to the country as part of the procedure for acquisition of Georgian citizenship. Therefore, on the one hand, this State body is well placed to make referrals between statelessness status applications and citizenship applications as relevant, and on the other hand – is a relevant body to consider statelessness applications in the Georgian context.</p> <p>As for the issue of centralisation, while applicants can submit their applications to the territorial offices, these applications must be forwarded to the central office for a thorough review and final decision-making.</p>	
SDS.4.b		Are there clear, accessible instructions on how to make a claim of statelessness?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	<p>The Law of Georgia on the Legal Status of Foreigners and Stateless Persons and the Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia declares quite exhaustively and in detail how the applicant should obtain the status of a stateless person.</p> <p>On the other hand, information on acquiring the status of a stateless person in Georgia is available on the website of the Public Service Development Agency in Georgian and English.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Chapter 5);</p> <p><a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a></p> <p>Public Service Development Agency: <a href="https://sda.gov.ge/?page_id=7434&amp;lang=en">https://sda.gov.ge/?page_id=7434&amp;lang=en</a></p>
SDS.4.c		Can submissions be made orally and/or in writing in any language?	<p><a href="#">ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013)</a>: Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	<p>To be granted the status of a stateless person, an individual submits a written application to the Public Service Development Agency (PSDA).</p> <p>The application form itself is available in a printed version in Georgian, English, Armenian, Azerbaijani, and Russian, however, it is indicated that the application form must be completed only in Georgian. Assistance of a translator is readily available. When completing the application, applicants can request a translation of the decision.</p> <p>This has been identified as one of the issues during the internal Quality Check conducted jointly by PSDA and UNHCR. Under the 2023 Statelessness Action Plan, it is indicated that the application form in the languages mentioned above will be available electronically. At the moment, it is unclear whether the completion of the form will be possible in these languages (other than Georgian).</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 22);</p> <p><a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 3 and 6);</p> <p>Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.</p> <p>2023 Statelessness Action plan (currently not publicly available)</p>
SDS.4.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	<p><a href="#">ENS (2013)</a>: Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	<p>To obtain the status of a stateless person, an individual must fill out a special form established by the Agency. The dedicated form of the application on status determination is approved by the Order of the Chairperson of the Agency.</p> <p>The form itself is a fairly simple document to fill out. However, it is a challenge to fill it in Georgian for applicants who do not know Georgian and are in need of the assistance of an Agency employee or a lawyer in the process.</p> <p>As mentioned above, this particular issue is also considered by PSDA as a gap, thus under the paragraph 5.1 of the 2023 Statelessness Action Plan, authorities undertook the following: <i>5.1. Provision of interpreter services at the stage of application submissions for status determination.</i></p>	<p>Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 3);</p> <p>Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.</p> <p>2023 Statelessness Action plan (currently not publicly available)</p>



				<i>An interpreter contracted by the agency will assist the applicant in filling out the application form, who, in case of such a need, will help the applicant and the operator via phone in filling out the application.</i>	
SDS.4.e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . <a href="#">UNHCR, Handbook on Protection (2014)</a> : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	No. The legislation explicitly states that the Agency will consider the case of granting a status of a stateless person to an individual based on their application. No other form of initiation of the proceedings is mentioned or allowed under national legislation.  The Georgian government is considering the introduction of an <i>ex officio</i> procedure. In the 2023 Statelessness Action Plan it is stipulated that Draft amendments to the “Law of Georgia on the Legal Status of Foreigners and Stateless Persons” shall be prepared, according to which PSDA will have the authority to initiate on its own initiative administrative proceedings for the determination of the status of a stateless person when needed.	Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 2);  <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 3);  2023 Statelessness Action plan (currently not publicly available)
SDS.4.f		Are there obligations in law on authorities to consider the application?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed.	Yes. If an application has been submitted and officially registered, it must be considered by the Agency. If the application is formally correct, the merits must be considered.	Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 8).
SDS.4.g		Is there an application fee?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed.	No. The fee for submitting the application for the Statelessness Determination Procedure was entirely removed in 2022, as per the government pledge of 2019 made at the High-Level Segment on Statelessness.	Legislative Herald of Georgia: <a href="#">Ordinance No. 508 of the Government of Georgia On Approval of Timeframes, Service Fee Amounts, and Fee Payment Procedure for Services Rendered by the Legal Entity under Public Law - the Public Service Development Agency Operating within the Ministry for Justice of Georgia, and for Services Rendered by Consular Officials within Delegated Powers</a> (Article 2(45));  Rights Georgia: <a href="#">Stateless Persons Will No Longer Pay the Service Fee</a>
SDS.4.h		Is there a lawful stay requirement to access the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. <a href="#">ENS (2013)</a> : There is no basis in the 1954 Convention for requiring lawful stay.	No, it is not a condition explicitly defined by the legislation. Lawyers working on the cases of obtaining the status of a stateless person in Georgia submit that a lawful stay is not a requirement to access the SDP.	Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 3 and 6);  Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.
SDS.4.i		Is there a time limit on access to the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed and not subject to time limits. <a href="#">ENS (2013)</a> : There is no basis in the 1954 Convention to set time limits for individuals to claim statelessness status.	No, it is not a condition explicitly defined by the legislation. Lawyers working on the cases of obtaining the status of a stateless person in Georgia submit that there is no time limit on access to the SDP.	Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 3 and 6);  Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.
SDS.4.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	The referral system is not used in the context of Georgia, nor does it fit into the procedure established by the legislation. To be granted the status of a stateless person, individuals themselves apply to the PSDA. However, whenever a person applies for naturalisation and if the Agency considers that while there are no grounds for granting Georgian citizenship, an applicant may be stateless, it refers the case for status determination. But this cannot be mentioned as a cooperation between the State agencies as both assessments are done by the same institution – the Public Service Development Agency.	Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 2);  <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 3);  Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.

				<p>If authorities identify individuals who are without documents or at risk of statelessness, they usually refer those cases to PSDA for the initiation of the SDP.</p> <p>There is cooperation between the PSDA and the Migration Department, which identifies foreigners living in Georgia and implements international protection rights. The Ministry of Justice, including the PSDA, also participates in the Government’s Commission on Migration Issues, together with the Ombudsperson and civil society representatives.</p>	
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p><a href="#">UNHCR, Geneva Conclusions (2010)</a>: In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p><a href="#">ECtHR, Hoti v. Croatia (2018)</a>: State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>Under the legislation regulating the process of assessing the application for SDP the applicant has responsibility to provide the necessary documentation. From the applicant’s perspective, when applying, they are required to provide various documents and information that is deemed reliable by the Agency. These may include an identity card or travel document issued by a foreign country (if applicable), as well as any other relevant documents that can demonstrate the absence of citizenship, residency history in different countries, and other pertinent details. Moreover, the applicant has the duty to cooperate with the PSDA.</p> <p>The burden of proof is upon the administrative body. Namely, under the country’s general regulations regarding administrative proceedings the administrative body while discussing an application has the responsibility to investigate all circumstances that are significant to the case during the course of the administrative proceedings and make the decision on the basis of evaluation and mutual comparison of the circumstances; Furthermore, issuance of an individual administrative act may not be based on a circumstance or a fact that is not investigated by the administrative body under the procedure determined by law.</p> <p>On the other hand, the Agency responsible for reviewing the application has the responsibility of examining several factors to determine whether the applicant meets the required criteria for the status being sought. As part of this process, the Agency has different tools like requesting additional information from various sources. For example, they may request civil act registration data and identity information from the authorized bodies of other countries, as well as from Georgia itself. This is done to verify the accuracy of the information provided by the applicant.</p> <p>Furthermore, the Agency is authorised to seek information from relevant State bodies to assess the potential impact of granting the requested status on Georgia's State security and public order. This is to ensure that the decision aligns with the interests of the country and does not pose any risks. In some cases, the Agency may also conduct interviews with the status seeker to further ascertain their identity and gather additional information relevant to the application.</p>	<p>Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 3-8);</p> <p><a href="#">General Administrative Court of Georgia</a> (Article 96)</p>
SDS.5.b		What is the standard of proof, in law and in practice? Is it the same as in refugee status determination procedures?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are advised to adopt the same standard of proof as in refugee status determination (‘reasonable degree’).</p> <p><a href="#">UNHCR, Good practices in nationality laws (2018)</a>: The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p>	<p>When considering an application for the status of a stateless person, the decision-making process is typically based on the fulfilment of specific criteria outlined in the relevant decree or legal framework. If the applicant satisfies all the prerequisites and meets the requirements set forth in the Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia, the evidentiary standard for granting the status of a stateless person is considered met. As for the standard of proof, neither SDP nor the</p>	<p>Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 3-10);</p> <p><a href="#">General Administrative Court of Georgia</a> (Article 96)</p>

			<p><a href="#">ECtHR, Hoti v. Croatia (2018)</a>: If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	<p>refugee status determination procedures require a specifically identified standard as it is for instance in criminal proceedings (beyond reasonable doubt, etc.). At the same time, the general rules require the administrative body to fully investigate all the relevant evidence in the case and base their decision on the evaluation and mutual comparison of the circumstances as well as not issue the individual administrative-normative act on the basis of evidence that have not been examined during the procedures. An applicant has to declare that they are stateless and provide any proof for that statement. These described rules apply to both the refugee status determination procedure as well as the SDP.</p>	
SDS.5.c		<p>What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP? In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-friendly procedures, etc.)?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of pursuing the best interests of the child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State.</p> <p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women.</p> <p><a href="#">CRC</a>: Articles 2, 3, 7 and 8 <a href="#">CRPD</a>: Article 18 <a href="#">UNHCR, Best Interests Procedure Guidelines (2021)</a> <a href="#">UNHCR, Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement (2021)</a> <a href="#">Global Compact for Safe, Orderly and Regular Migration</a>: Objective 7 <a href="#">UN Women, Gender-responsive implementation of the Global Compact (2021)</a>: States should put in place measures to regularise the status of migrants leading to permanent residence, with specific attention to migrant women and girls who are stateless.</p> <p><a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a>: Calls on Commission and Member States to overcome discrimination against rainbow persons and families.</p>	<p>As noted above, to determine the status seeker’s identity, the Agency may invite the status seeker to an interview. The legislation mandates that an interview with a minor or a person recognised as legally incompetent seeking status must be conducted in the presence of their legal representative or guardian/custodian. Additionally, a lawyer or NGO representative can also attend the interview. One of the additional guarantees for the non-discrimination principle to be applied in practice is that the Public Defender of Georgia has access to interviews held during the procedures.</p>	<p>Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 6).</p>
SDS.5.d		<p>Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?</p>	<p><a href="#">ENS (2013)</a>: Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p> <p><a href="#">Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</a></p>	<p>There are no available guidelines that would clearly demonstrate that the decision-makers do have such guiding principles. The only relevant provisions within the legislation can be identified as the authorisation for the Agency to request information from different public institutions or other countries’ representations (enlisted under SDS.5.a);</p> <p>Furthermore, according to public information obtained from the PSDA, it is evident that the Agency has established close cooperation with the United Nations High Commissioner for Refugees (UNHCR) in Georgia regarding statelessness issues. This</p>	<p>Public information received from the <a href="#">Public Service Development Agency</a>; <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 3-8);</p>



				collaboration has been ongoing since 2010 and involves the sharing of statistical data on stateless persons registered in Georgia. By working closely with the UNHCR, the Agency, according to their explanation, benefits from access to international standards and guidelines in the field of statelessness. This knowledge and expertise are applied in practice when considering cases related to the determination of statelessness status.	
SDS.5.e		Is there any evidence of significant errors in decision-making?		No.	Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.
SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. <a href="#">ENS (2013)</a> : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	No. Statelessness status applicants still are not provided with free legal aid – an issue that was pledged to be solved by the Government but remains the only pledge not having any progress toward its achievement. Legal Aid Service (LAS) has the mandate to provide legal counselling to stateless individuals but not legal representation.  As an interim measure, until the pledge is implemented, Rights Georgia provides free legal aid during the SDP.	European Network on Statelessness: <a href="#">European Network on Statelessness submission to inform the European Commission 2023 Enlargement Package; Progress towards addressing statelessness in Enlargement countries</a>  UNHCR: <a href="#">» Results of the High-Level Segment on Statelessness</a>
SDS.6.b		Is an interview always offered (unless granting without interview)?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to an individual interview [is] essential.	The Agency can invite the status seeker to an interview as part of the process to determine their identity, but this is at the discretion of the Agency and is not a mandatory requirement for granting statelessness status. In practice, the Agency often does not invite the applicant for the interview in case they are convinced that the individual might have valid grounds for acquisition of Georgian citizenship. In other cases, when examination of facts is needed, applicants are invited for the interview.	Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 6);  Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.
SDS.6.c		Is free interpreting offered for statelessness determination interviews?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to assistance with interpretation/translation [is] essential. <a href="#">ENS (2013)</a> : Assistance should be available for translation and interpretation.	During administrative proceedings related to status determination, the Agency provides free translation and interpretation services to the status seeker. This ensures that the applicant can effectively communicate their case and understand the proceedings.	Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 7).
SDS.6.d		Are there quality assurance audits of the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Quality assurance audits of SDPs are considered good practice.	The Office of the Public Defender of Georgia, as mandated by legislation, has the authority to attend the interview of an applicant seeking the status of a stateless person. This allows the Office of the Public Defender to ensure transparency and fairness in the process and provide support to the applicant during the interview stage.  Additionally, the status seeker is entitled to avail themselves of legal assistance from international and non-governmental organisations. This opportunity also allows external monitoring to be available for status seekers. UNHCR is also given access to interviews and has done the quality assessment of the SDP in 2021 along with PSDA to look into available practice and identify outstanding gaps. The quality assessment translated into specific action points under the 2023 Statelessness Action Plan.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on the Public Defender of Georgia</a> (Articles 13 and 18);  Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 7);  2023 Statelessness Action plan (currently not publicly available)
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	UNHCR plays a significant role in addressing statelessness and is actively involved in proceedings related to this issue in Georgia as well. In the context of statelessness, UNHCR works to identify and refer stateless persons to registration, ensuring they have documentation. UNHCR collaborates with government authorities, including the PSDA responsible to grant persons statelessness status, civil society organisations, including the NGO “Rights Georgia” which works to protect the rights of refugees, asylum	UNHCR in Georgia:  <a href="#">Information on UNHCR’s presence and contribution in Georgia;</a>  <a href="#">UNHCR Georgia – Facebook profile</a>

				<p>seekers, humanitarian status holders, and stateless individuals in Georgia, and other stakeholders to gather information and maintain records of stateless individuals. The UNHCR office in Georgia monitors the situation and treatment of stateless persons to ensure they are protected and their rights are upheld. This monitoring includes assessing the conditions in which stateless individuals live, identifying any discrimination or human rights violations they may face, and working with relevant authorities to address these issues. As for the training, UNHCR provides training and capacity-building initiatives to government officials, legal professionals, and civil society organisations on issues related to statelessness. This training aims to enhance understanding of international standards and legal frameworks pertaining to statelessness, as well as improve identification, prevention, and resolution of statelessness cases.</p>	
SDS.6.f		<p>Are decisions (refusals and grants) given in writing with reasons?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.</p>	<p>According to the procedure, the Citizenship and Migration Service of the Agency prepares a written conclusion on the determination or refusal of the applicant’s status based on the documents submitted by the applicant. This conclusion serves to provide clarity on the legal basis upon which the decision was made. However, it is important to note that the conclusion may not necessarily provide detailed explanations or analyses of the specific reasons behind the decision. Practicing lawyers have observed that the conclusion typically specifies only the legal basis that was relied upon to arrive at the decision.</p> <p>In technical terms, the final decision from the administrative body is delivered in written form articulating the result and, as mentioned above, the legal basis from the legislation. In absence of a lawyer, applicants might have difficulty understanding the reasoning provided, as the language is very legalistic. This was also identified as one of the gaps and specific solutions have been considered and provided in the Statelessness Action Plan for 2023, which stipulates that the templates for intermediate and final decisions will be prepared in English, Russian, Azerbaijani and Armenian languages, and will also be simplified.</p>	<p>Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 8);</p> <p>Interview with the practitioner lawyers;</p> <p>2023 Statelessness Action plan (currently not publicly available).</p>
SDS.6.g		<p>Is there a timeframe for the SDP set in law or policy and is it complied with in practice?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.</p>	<p>Application for status determination should be reviewed and the decision should be delivered within a 6-month period from submitting the application. For the purposes of gathering information/documents in order to identify the important circumstances for processing and deciding the application on status determination, the Agency is authorised to prolong the time limit by no more than 3 months. The total length of the procedure for granting or refusing to grant the status by the Agency should not exceed 9 months.</p> <p>On the basis of documentation submitted by the applicant as well as gathered by the Agency, the Citizenship and Migration Service prepares the conclusion on granting or refusing to grant the status. The final decision on granting or refusing to grant the status shall be made by the Head of the Agency on the basis of the conclusion of the Service. The decision shall be communicated to the applicant within 3 working days of its issuance.</p> <p>The Agency generally respects the 9-months’ time limit to assess applications (with the exception of occasional individual cases where this limit was surpassed), but practicing lawyers have raised concerns regarding respect for specific timelines within the SDP</p>	<p>Legislative Herald of Georgia: <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 6 and 8);</p> <p><a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 22);</p> <p>Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.</p>



				<p>itself. For example, during the review process, the Agency has the authority to request information from State bodies to assess the compatibility of granting statelessness status with Georgia's interests in terms of State security and public order protection. State bodies are required to provide the requested information to the Agency within 30 calendar days. If the information is not submitted within the specified period, it is considered that there is no reason to refuse statelessness status determination. However, in practice, there has been a case where information was received after the 30-day deadline, which stated that granting statelessness status to an individual did contradict the interests of State security and public order protection in Georgia, which was later used as a basis for denying statelessness status to that person.</p>	
SDS.6.h		<p>Is statelessness identified in asylum procedures? Is there any guidance for officials relating to identification or determination of statelessness within asylum procedures? Is there a referral mechanism from asylum procedures to the SDP (either during or at the conclusion, if the applicant is refused asylum)?</p>	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p><a href="#">EASO/EUAA, Practical guide on registration (2021)</a>: The country or countries of former habitual residence should be recorded in applications for international protection to facilitate follow-up and referral to a dedicated statelessness determination procedure. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p> <p><a href="#">ENS (2013)</a>: Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.</p>	<p>In the context of Georgia, the referral system is not utilised in the procedure for granting the status of a stateless person. Instead, individuals themselves are required to directly apply to PSDA to initiate the process of obtaining the status of a stateless person.</p> <p>While processing the application for granting statelessness status, if a processing body identifies grounds for applying for international protection under the Law of Georgia “On International Protection (or for humanitarian status), the Agency will halt the proceedings and refer the case to the Migration Department of the Ministry of Internal Affairs. If the person is subsequently granted refugee, humanitarian, or temporary protection status, the statelessness status determination process is terminated. If the person is not granted another form of protection, the procedure for determining statelessness status will continue.</p> <p>As the asylum procedure is highly confidential, during this process, Georgia refrains from requesting information from the applicant’s country of origin. In contrast, during the stateless determination procedure, Georgia seeks information from the applicant's birthplace, residence, or country of origin. From the State's perspective, the suspension SDP during the asylum procedure is justified as a legitimate aim.</p> <p>Considering the above-described normative reality, asylum proceedings are prioritised over the SDP in the sense that if a person is being granted international protection, their statelessness application is no longer processed further. Therefore, during the asylum proceedings, even the identification of statelessness loses its meaning. The only referral system indicated by the legislation is the abovementioned system where the case is transferred to the Migration Department for considering the grounds for asylum, not the other way around.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 2);</p> <p><a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Articles 3; 6(5) and 9(e));</p> <p>Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.</p>
SDS.7.a	Protection during SDP (Group 1)	<p>Does the applicant have automatic legal admission while their claim for statelessness status is assessed or is there a risk of expulsion?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being ‘lawfully in’ the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for statelessness status receive the same treatment as asylum-seekers.</p> <p><a href="#">ENS (2013)</a>: States should refrain from expelling or removing an individual pending the outcome of the determination process.</p>	<p>If an individual is in Georgia without a legal basis, their period of stay in the country during the administrative proceedings for determining the status of a stateless person is considered lawful. During the administrative proceedings, the Agency responsible for status determination will issue a temporary identification card to the applicant. This card serves as a form of identification and is valid for a period of one year. If the proceedings last longer than one year, the Agency will renew the ID card to cover the whole period while the SDP is pending. However, if the Agency makes a decision to grant or refuse to grant the status of a stateless person, the temporary identification card will be cancelled accordingly, regardless of whether the person appeals the</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 22);</p> <p><a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 11).</p>

				<p>decision. The appeal does not have a suspensive effect, but in practice, appellants are not removed from the country until their cases are concluded.</p> <p>The issuance of a final decision on status determination will have implications for the temporary identification card.</p> <p>In the event that the status determination application is refused or the status is terminated, the individual will be required to comply with the obligations set forth in the Law of Georgia “On the Legal Status of Foreigners and Stateless Persons” regarding legal stay or departure from the country.</p>	
SDS.7.b		Do applicants for statelessness status have permission to work and access to assistance to meet their basic needs?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.</p>	<p>In Georgia, unless otherwise indicated by the legislation, SDP applicants are entitled to the same rights and guarantees as other foreigners. There is no restriction in the law on the labour activities of SDP applicants. Moreover, they hold identification cards and have lawful residency in the country. Therefore, they can exercise the right to work in Georgia. Stateless applicants are also provided with emergency healthcare. They do not have access to social assistance or State pensions programmes.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Articles 24, 30, 31).</p>
SDS.7.c		Do applicants for statelessness status face a risk of detention?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.</p>	<p>A stateless person in Georgia may be detained under certain circumstances such as illegally crossing the State border, expulsion from Georgia, or based on an extradition request. However, in such cases, the stateless person has the right to request international protection either in person or through an authorized representative.</p> <p>Additionally, a stateless asylum seeker may be detained if there is a risk of them hiding or evading cooperation with the authorized officials, if their identity cannot be established, or if there are sufficient grounds to believe that they pose a threat to the State security of Georgia. These criteria are considered when determining the necessity of detention in the case of a stateless person seeking asylum.</p> <p>As noted above, stateless persons who have been granted status in Georgia are issued a residence permit allowing them to legally reside in the country. The residence permit serves as legal documentation of their status and provides them with the right to stay in Georgia, therefore applicants cannot be detained for removal purposes. On the other hand, stateless persons who have not been granted status may not have the same legal protection and may be subject to detention for removal. In the case of SDP applicants, the agency provides a temporary identification card to individuals who have applied to determine their status as stateless persons. This temporary identification card is issued for a period of one year. However, it is important to note that if a decision is made to refuse the determination of statelessness status, the temporary identification card is cancelled, regardless of whether the person appeals the decision or not. As a result, the person is no longer considered to be legally present in Georgia and may be subject to detention for the purpose of removal.</p>	<p><a href="#">Law of Georgia on International Protection</a> (Articles 9 and 24);  <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 22; Article 7, Paragraph 3);</p> <p>Interview with the practitioner lawyers.</p>
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<p>According to the law, if the Agency makes a decision to refuse or terminate the status determination of an individual, that decision can be appealed in Court. The right to appeal exists within a specific timeframe, which is one month from the date of receiving notification of the decision.</p>	<p>Legislative Herald of Georgia:  <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 12).</p>

SDS.8.b		Is legal aid available for appeals?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means.</p> <p><a href="#">ENS (2013)</a>: Applicants should have access to legal counsel both at first instance and on appeal.</p>	<p>The status seeker has the right to benefit from the legal assistance of international and non-governmental organisations.</p> <p>As noted above, statelessness status applicants still are not provided with free legal aid – an issue that was pledged to be solved by the Government but still remains challenging.</p> <p>In Georgia, the NGO Rights Georgia provides free legal assistance on statelessness issues for stateless persons or persons seeking the status of a stateless person.</p>	<p>European Network on Statelessness:  <a href="#">European Network on Statelessness submission to inform the European Commission 2023 Enlargement Package; Progress towards addressing statelessness in Enlargement countries</a></p> <p>UNHCR:  <a href="#">» Results of the High-Level Segment on Statelessness</a></p> <p>Statelessness Portal:  <a href="#">Get Free-of-charge Legal Assistance</a></p>
SDS.8.c		Is there a fee for the appeal application?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: An effective right to appeal against a negative first instance decision is an essential safeguard.</p>	<p>Yes. The State fee must be paid in order for the case to be reviewed by the court which amounts to 100 GEL (approximately 35 EUR). More precisely, since this is a case involving administrative legal relations and dispute, the State duty for the case to be reviewed at common courts is determined based on the value of the subject of the dispute. The State duty is calculated as three percent of the cost of the subject of the dispute, with a minimum fee of GEL 100.</p> <p>While asylum seekers and SDP applicants shall be treated the same way, asylum seekers are exempted from the court fees, which is not the case for SDP applicants at the moment.</p>	<p>Legislative Herald of Georgia:  <a href="#">Ordinance No. 523 of the Government of Georgia on Approval of the Procedures for Determining the Status of a Stateless Person in Georgia</a> (Article 12);</p> <p><a href="#">Law of Georgia on State Duty</a> (Article 4(1.d)).</p>
SDS.9.a	Statelessness status (Group 1)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	<p>When the State determines the status of a person as a stateless person in Georgia, the legislation specifies that a residence permit for stateless persons will be issued to the individual. This residence permit serves as an official document that confirms the legal residence status of the stateless person in Georgia. It provides them with the necessary authorisation to reside and potentially work in the country under the laws and regulations governing stateless individuals. No additional steps are required to be undertaken by the applicant to get the legal status/lawful stay in the country.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 15).</p>
SDS.9.b		How long is initial status granted for and is it renewable?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.</p>	<p>The status of a stateless person in Georgia is granted without a time limit. The status is valid until the grounds for its revocation (if any) appear. Instead, stateless individuals are issued a valid ID card, which serves as their identification document. This ID card can be renewed after its expiration date, allowing stateless persons to maintain their lawful status and identity in the country.</p> <p>In the case of an individual being determined as a stateless person in Georgia, the residence permit issued to them has specific validity periods. An initial temporary residence permit is granted for a duration of 3 years. In certain exceptional circumstances, a temporary residence permit can be issued for an initial period of 5 years. This 3-year residence permit will be revisited by authorities with anticipation to increase it to 5 years as per the 2023 Statelessness Action Plan.</p> <p>The term of validity of temporary residence permits can be extended to no more than 12 years, aligning with the foreigner's estimated stay in Georgia, and under the same conditions as the initial permit. Additionally, a permanent residence permit can be issued to a foreigner who has lived in Georgia for the last 10 years on the basis of a temporary residence permit. Furthermore, with the enactment of a recent legislative amendment, in force since January 2024, a stateless person who meets other criteria outlined in the legislation can apply for Georgian citizenship after residing in Georgia for 5 years.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Articles 15-16);</p> <p><a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Articles 12, paragraph 1<sup>1</sup>);</p> <p>2023 Statelessness Action plan (currently not publicly available).</p>

				<p>A stateless person whose Georgian citizenship was terminated by voluntarily renouncing Georgian citizenship (at any moment in time), or who resided continuously in Georgia by 31 March 1993 but was not considered a Georgian citizen and was not removed from permanent registration in Georgia after that date, is eligible for a permanent residence permit. This means that they can obtain a residence permit allowing them to reside permanently in Georgia.</p> <p>Former Georgian citizens who are now stateless can reacquire Georgian citizenship under the general rules for naturalisation.</p>	
SDS.9.c		Is a travel document issued to people recognised as stateless?	<p><a href="#">1954 Convention</a>: Article 28.</p>	<p>Travel passports may be issued to a person having the status of a stateless person in Georgia to leave Georgian territory, move abroad, and enter the Georgian territory. To get the travel passport, a person having statelessness status in Georgia shall submit a residence permit instead of an ID card. An interested person shall have the right to apply to the Justice House or any territorial office of the Public Service Development Agency to get a travel passport.</p> <p>A travel passport shall be issued to the person having statelessness status in Georgia for a 2-year period. In case there is less time left until the expiry of the residence permit, a travel passport shall be issued for the remaining time. For persons having a status of a stateless person in Georgia who had possessed a permanent residence permit until the entry into force of the Ordinance of the President on Approving the Procedures for Determining the Status of a Stateless Person (27 June 2012), a travel passport shall be issued for 5 years.</p>	<p><a href="#">Order №98 of the Minister of Justice of Georgia (27 July 2011) on Approval of the Procedure for Registering and Deregistering Citizens of Georgia and Foreigners Residing in Georgia and for Issuing Identity (Residence) Cards, Passports, Travel Passports, and Travel Documents</a></p>
SDS.9.d		Do people recognised as stateless have a right to family reunification?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised statelessness status in their territory with their spouses and dependents.</p>	<p>The legislation does not recognise the rights to family reunification for stateless persons. The family members of a stateless person have to first acquire the same legal status and only after that, they will be able to gain respective residence permits in Georgia. Therefore, recognised stateless persons have the right to family reunification only if they have a residence permit on the basis of another status and not on the basis of statelessness status.</p> <p>A residence permit for the purpose of family reunification can be issued to the family member(s) and child(ren) of a stateless person who has been granted the status of a refugee, humanitarian or temporary protection. This temporary residence permit is issued for an initial period of 6 months to 1 year. It allows the family members to legally reside in Georgia and reunite with their relative who has a valid residence permit and who serves as a legal representative, guardian, caretaker, or supporter.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 15 (c and e));  <a href="#">Law of Georgia on International Protection</a> (Article 11).</p>
SDS.9.e		On what grounds (if any) may residence status granted to stateless people be revoked? Is a proportionality assessment undertaken prior to the revocation decision, e.g. to consider respect for the right to private and family life (if applicable)?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.</p>	<p>According to the legislation stateless persons are granted residence permits in Georgia. The latter is automatically given based on and derived from the initially granted legal status of a stateless person. The legislation does not recognise the revocation solely of a residence permit. This is possible only in case the status of a stateless person in itself is revoked.</p> <p>Statelessness status is granted until grounds for its revocation appear, in which case status is revoked and residence rights are ceased automatically without a proportionality assessment. Statelessness status can be revoked under the following conditions:</p> <ul style="list-style-type: none"> <li>• Obtaining Georgian citizenship or nationality from another country.</li> </ul>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Articles 15-16; 23 paragraph 2).</p>



				<ul style="list-style-type: none"> <li>• Discovery that the statelessness status was granted with forged documents or incorrect information.</li> <li>• To protect the interests of the State and/or national security. No such case was reported in practice. This ground is often used for rejecting the application for statelessness status, in which case courts have acknowledged the need to respect the proportionality principle. It may be argued that the same interpretation of the law should apply in case of revocation of status.</li> <li>• Circumstances as defined by paragraph 2 of Article 1 of the 1954 UN Convention on the Status of Stateless Persons.</li> <li>• Any contracting state to the 1954 UN Convention on the Status of Stateless Persons having taken responsibility for the person in accordance with the requirements of the convention.</li> </ul>	
SDS.9.f		Do people granted statelessness status have permission to work?	<p><a href="#">1954 Convention</a>: Article 17  <a href="#">UNHCR, Handbook on Protection (2014)</a>: The right to work must accompany a residence permit.</p>	<p>The labour activities of individuals who hold the status of a stateless person are regulated by the country's labour laws and regulations. This means that stateless individuals in Georgia have the right to engage in labour activities and are entitled to the same labour rights and protections as provided for Georgian citizens, except to work in the civil service which usually requires employees to be Georgian citizens. It is important to note that having the status of a stateless person is generally a prerequisite for accessing these labour rights and protections. Stateless persons must have their status officially recognised in order to enjoy the full range of labour rights and benefits provided by the legislation.</p> <p>As an exclusion, stateless persons do not have the right to be employed in an elective position in Municipal and State authorities, meaning they are not eligible to run for or hold elective positions in these institutions.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Articles 29 and 42).</p>
SDS.9.g		Do people granted statelessness status have access to primary, secondary, and higher education?	<p><a href="#">1954 Convention</a>: Article 22</p>	<p>Yes. An individual having the status of a stateless person in Georgia is entitled to education under the legislation of Georgia.</p> <p>Early and preschool upbringing and education services are available to citizens of Georgia, citizens of foreign countries, as well as stateless persons with statelessness status in Georgia. This means that stateless persons are entitled to access early and preschool education services on an equal basis with other eligible individuals.</p> <p>When it comes to general education, everyone in Georgia has an equal right to complete their general education. The State ensures the provision of full general education. State financing for a student's education in a general educational institution continues for 12 years. This financing applies not only to Georgian citizens but also to individuals with temporary identification cards, foreign citizens, stateless persons, and persons with international protection.</p> <p>In terms of higher education, any person holding a certificate of complete general education issued in Georgia or an equivalent document has the right to pursue bachelor's level studies in higher education. A person with at least a bachelor's degree or an equivalent academic degree has the right to pursue a master's degree, and a person with at least a master's degree or an equivalent academic degree has the right to pursue a doctorate.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 33);  <a href="#">Law of Georgia on Early and Preschool Education</a>  <a href="#">Law of Georgia on General Education</a>  <a href="#">Law of Georgia on Higher Education</a></p>



				However, at the moment, the Law of Georgia "On Higher Education" requires legal amendments to ensure access to State grants for stateless persons in order to bring the national legislation in compliance with the 1954 convention obligations.	
SDS.9.h		Do people granted statelessness status have access to social security and healthcare?	<p><a href="#">1954 Convention</a>: Articles 23 &amp; 24</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p>Yes. Individuals with the status of a stateless person are entitled to healthcare under the legislation. The national laws ensure that all foreigners and stateless persons have the right to the protection of health, and they are eligible to benefit from the medical services established by the state healthcare programs.</p> <p>Georgia has implemented a universal healthcare program since February 28, 2013, intending to provide financial access to medical services for those who do not have health insurance. The beneficiaries of the State healthcare programs include individuals holding documents proving their Georgian citizenship, neutral ID cards, neutral travel documents (these are a special type of identity card or travel document issued to individuals residing in the territories of the Autonomous Republic of Abkhazia and the Tskhinvali Region), persons with statelessness status in Georgia, refugees, and humanitarian status holders.</p> <p>Under the social security system, individuals with the status of a stateless person in Georgia enjoy the same rights to assistance, pensions, and other forms of social security as the citizens of Georgia, meaning they may be eligible for State pensions and social assistance programs, ensuring a level of social welfare and support.</p> <p>It is indeed important to note that many of the social programs and services in Georgia are regulated by individual Municipalities. While some of these services may legally be available to persons residing and registered within the territories of these Municipalities, the actual accessibility and availability of these services to individuals other than citizens of Georgia can vary and may be subject to discussion.</p> <p>Certain municipal social services explicitly specify that they are applicable only to citizens of Georgia, which may limit the access of stateless persons and foreigners to those specific services.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Articles 30-31);</p> <p><a href="#">Ordinance №279 of the Government of Georgia on Approving the State Healthcare Programs of 2013</a> (Article 2);</p> <p><a href="#">Law of Georgia on State Pensions</a> (Article 1);</p> <p><a href="#">Law of Georgia on Social Assistance</a></p> <p><a href="#">Decree №145 of the Government of Georgia on Social Assistance</a></p> <p>Interviews with the official representatives of municipal bodies.</p>
SDS.9.i		Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)? <b>[Section complete, proceed to DET]</b>	<p><a href="#">1954 Convention</a>: Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.</p>	<p>No. According to the legislation in Georgia, a person with the status of a stateless person is not eligible to vote in elections, be elected to municipalities or central government bodies, or participate in referenda. These rights are exclusively reserved for individuals who hold Georgian citizenship.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons</a> (Article 42).</p>

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p><a href="#">ICCPR</a>: Article 9  <a href="#">ECHR</a>: Article 5  <a href="#">EU Return Directive</a>: Article 15  <a href="#">UNHCR, Handbook on Protection (2014)</a>: Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient.  <a href="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.  <a href="#">HRC, Report of the Special Rapporteur (2012)</a>: The obligation to always consider alternatives before resorting to detention should be established by law.  <a href="#">International Detention Coalition (2015)</a>: Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>Immigration detention is established by Georgian legislation. The detention of a foreigner and/or placement in a temporary accommodation centre may be carried out in the following circumstances:</p> <ol style="list-style-type: none"> <li>If it is not possible to identify a foreigner staying in Georgia without a legal basis;</li> <li>If there is a threat of absconding by a foreigner who is in Georgia without a legal basis;</li> <li>If the foreigner has not fulfilled the obligations stipulated by the alternative measure of detention determined by the judge;</li> <li>If a foreigner staying in Georgia without a legal basis poses a threat to the State security of Georgia and/or violates public order;</li> <li>If a foreigner staying in Georgia without a legal basis poses a threat to their own life and health;</li> <li>To ensure the forced execution of the decision to expel foreigner from Georgia.</li> <li>To ensure the presentation of the foreigner to the court.</li> </ol> <p>An asylum seeker can be detained and placed in a temporary accommodation centre only if the following conditions are met:</p> <ol style="list-style-type: none"> <li>There is a reasonable assumption that the asylum seeker requested international protection in order to delay the procedures of their expulsion from Georgia or to hide;</li> <li>The asylum seeker poses a threat to the state security of Georgia and/or violates public order;</li> <li>The asylum seeker has not fulfilled the obligations stipulated by the alternative measure of detention determined by the judge.</li> </ol> <p>Practicing lawyers have reported numerous cases where individuals are detained with the intention of removal.</p> <p>Although the law does not explicitly state that detention is a measure of last resort, the general proportionality principle applies, therefore any restriction of physical liberty should not be carried out unless absolutely necessary. At the same time, the law does not state that a person who fulfils the grounds for detention should always be detained, but it allows detention to be applied in such circumstances. Therefore, the discretion is left to the court as to whether it considers detention and placement in a temporary accommodation centre proportional. Moreover, the law explicitly states that detention of unaccompanied minors and/or families is a measure of last resort. Importantly, the law offers alternative measures that can be used in cases where detention is not deemed necessary to achieve the intended goal.</p> <p>At the legislative level, provisions are in place to provide an alternative measure to the placement in a temporary placement centre for foreigners. Specifically, the court has the authority to decide on the appropriateness of an alternative measure to the placement in a temporary placement centre for a foreigner. As forms of such alternative measures, the legislation describes the following:</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons in Georgia</a> (Articles 64-65);</p> <p><a href="#">Law of Georgia on International Protection</a> (Article 9);</p> <p><a href="#">Order No. 631 of the Minister of Internal Affairs of Georgia on the Approval of the Rules for the Detention and Placement of a Foreigner in a Temporary Accommodation Centre</a> (Article 1);</p> <p>Public Defender of Georgia:  <a href="#">Visit report on the Temporary Accommodation centre of the Ministry of Internal Affairs, 2019</a> (Page 4);</p> <p>Interview with practitioner lawyers.</p>

				<p>a. regular reporting to (appearing before) a relevant territorial department of the police, not more than twice a week;</p> <p>b. a citizen of Georgia connected to the foreigner and acting as surety for the foreigner or a bank guarantee of at least GEL 1,000 or a certificate of regular income;</p> <p>c. a maximum bail of GEL 2,000.</p> <p>While legislation provides for the use of these alternative measures to the placement in a temporary placement centre for foreigners, there may be discrepancies between the legal framework and its practical implementation. Based on the information provided, it appears that the Migration Department of the Ministry of Internal Affairs is authorised to petition the court for the placement of a foreigner in a temporary placement centre but may not always exercise this authority to seek alternative measures.</p> <p>The research conducted by the Office of the Public Defender of Georgia indicates that the Migration Department may not consistently apply to the court with a petition for the use of alternative measures. Practitioner lawyers also confirm the lack of use of alternative measures to detention in practice, despite the existence of the legislative mechanism and basis.</p> <p>Furthermore, lawyers have observed the practice where, even in cases where an appeal is brought against the detention, the court tends to uphold the decision to detain the individual and fails to consider available alternative measures.</p>	
DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p><a href="#">ICCPR</a>: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a>: In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation.</p> <p><a href="#">EU Return Directive</a>: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>Yes. When the relevant authority applies to the court to make a decision on the expulsion of a foreigner from Georgia, it has to be indicated the likely country that the person will be expelled to. This information is included to inform the court about the intended destination of an upcoming expulsion. Similarly, when a decision is made to postpone the expulsion of a foreigner from Georgia, the relevant authority also indicates the country where the foreigner should be expelled. The existing practice further reinforces the practical application of identification of the country of removal before detention. Detention of a foreigner for the purpose of expulsion from Georgia is maintained only for as long as removal arrangements are in progress.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons in Georgia</a> (Articles 53, 55);</p> <p><a href="#">Resolution No. 525 of the Government of Georgia on the Approval of the Procedure of Removal of a Foreigner from Georgia</a> (Articles 4-5);</p> <p><a href="#">Order No. 631 of the Minister of Internal Affairs of Georgia on the Approval of the Rules for the Detention and Placement of a Foreigner in a Temporary Accommodation Centre,</a> Article 1, Paragraph 1;</p> <p>Interview with practitioner lawyers.</p>
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.	<p><a href="#">EU Return Directive</a>: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p><a href="#">UN Working Group on Arbitrary Detention (2018)</a>: When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a></p> <p><a href="#">ECtHR, Mikolenko v. Estonia (2009)</a></p>	<p>No.</p> <p>Georgian legislation and the Constitution allow a maximum of 9 months detention. Even in the absence of an obligation to release a person when there is no reasonable prospect of removal respective authorities will have to release a person when the 9-month period expires.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons in Georgia</a></p> <p><a href="#">Order No. 631 of the Minister of Internal Affairs of Georgia on the Approval of the Rules for the Detention and Placement of a Foreigner in a Temporary Accommodation Centre</a></p> <p><a href="#">Resolution No. 525 of the Government of Georgia on the Approval of the Procedure of Removal of a Foreigner from Georgia</a></p> <p>Interview with practitioner lawyers.</p>
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a></p> <p><a href="#">ECtHR, Mikolenko v. Estonia (2009)</a>: Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p>	<p>To our knowledge, there is currently no formal referral mechanism defined in the law that specifically addresses referrals from detention to the SDP. However, as per the knowledge of UNHCR, all cases of individuals without documentation are directly referred to PSDA for SDP. The same happens also from other detention facilities, where risk</p>	<p>Rights Georgia's casework</p> <p>UNHCR Georgia</p>

			<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p><a href="#">CMW, General comment No. 5 (2021)</a>: States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p><a href="#">ICJ, Migration and International Human Rights Law (2014)</a>: The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	<p>of statelessness is identified. Not too many cases of undocumented people in detention that are reported.</p> <p>There is no information on whether statelessness is juridically relevant when deciding on detention.</p>	
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<p><a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a>: Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	<p>In the legislation on the detention of foreigners in Georgia, the only relevant provisions linked to the vulnerability of the detainees aim at ensuring the treatment of detained foreigners with respect and dignity in general. Specifically, it is stated that discriminatory, degrading, and humiliating treatment of foreigners is not permissible. More importantly, the legislation emphasises the importance of treating detainees in a manner that takes into account their gender, age, and cultural characteristics. The rights of minors are also protected, and the legislation requires the separation of women and men in accommodation facilities. The specific issue of vulnerability related to statelessness is not explicitly regulated in the legislation.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons in Georgia</a> (Article 66);</p> <p><a href="#">Order No. 631 of the Minister of Internal Affairs of Georgia on the Approval of the Rules for the Detention and Placement of a Foreigner in a Temporary Accommodation Centre</a> (Article 8).</p>
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p><a href="#">EU Return Directive</a>: Article 16(3)</p> <p><a href="#">EU Return Handbook (2017)</a>: Attention should be paid to the specific situation of stateless persons.</p> <p><a href="#">Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013)</a>: European entities should assess the situation of LGBTI persons in detention.</p> <p><a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a>: There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>	<p>The practical implementation of the named assessment regarding the treatment of detained foreigners leaves room for improvement. In a case shared by a practicing lawyer a foreigner detained for removal was known to have mental health problems, according to the lawyer. The lawyer, understanding the importance of proper medical assessment, requested an appropriate examination for the detained individual. However, it was observed that only a formal medical examination, aimed at meeting the minimal criteria outlined in the law, was conducted at the place of detention. This fell short of providing the necessary medical intervention and a comprehensive assessment of the detained person's condition.</p> <p>Statelessness is not considered during the assessment.</p>	<p>Interview with practitioner lawyers.</p>
DET.2.d		Are stateless people detained in practice?	<p>As above.</p>	<p>Practicing lawyers have not come across any instances of detention specifically targeting stateless persons for deportation.</p>	<p>Interview with practitioner lawyers.</p>
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in	<p><a href="#">ICCPR</a>: Article 9(4)</p> <p><a href="#">ECHR</a>: Article 5(4)</p>	<p>After a foreigner is arrested, they must be presented to the court within 48 hours to determine their placement in a temporary</p>	<p>Legislative Herald of Georgia: Constitution of Georgia (Article 13):</p>



		<p>immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?</p>	<p><a href="#">EU Return Directive</a>: Articles 12, 13 and 15(5)  <a href="#">HRC, Report of the Working Group on Arbitrary Detention (2010)</a>: A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.  <a href="#">CMW, General comment No. 5 (2021)</a>: States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status.  <a href="#">UNHCR, Detention Guidelines (2012)</a>: To guard against arbitrariness, maximum periods of detention should be set in national law.  <a href="#">UNHCR, Handbook on Protection (2014)</a>: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.  <a href="#">UNGA, Body of Principles (1988)</a>: Anyone who is arrested shall be informed at the time of the reason for their arrest.  <a href="#">Equal Rights Trust, Guidelines (2012)</a>: Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible.  <a href="#">International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014)</a>: The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.  <a href="#">ECtHR, Kim v. Russia (2014)</a>: The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>placement centre. If the court fails to make a decision within the next 24 hours, a foreigner must be released immediately.</p> <p>If the court determines that the foreigner should be placed in a temporary placement centre, they can be held there for a maximum period of three months. In exceptional cases where an extension is deemed necessary, the Migration Department of the Ministry of Internal Affairs has the option to apply to the court and submit a reasoned motion to prolong detention. If approved by the court, the placement in the temporary placement centre can be extended for an additional period of up to 6 months (9 months in total). Such extensions require proper justifications and consideration of the individual circumstances.</p> <p>The detainee or their lawyer can also submit a motion to change the detention if new circumstances arise that render the use of detention inappropriate. In these cases, the individual has the right to legal representation, but they are not entitled to state-funded legal aid.</p> <p>At the end of the placement period, whether it is the initial 3 months or with an extension of up to 9 months in total, the foreigner leaves the temporary placement centre. The aim is to ensure that the detention of a foreigner is not unduly prolonged.</p> <p>The decision regarding detention is made in writing. Upon arrest, the grounds for detention must be explained to the foreigner in a language they understand and in a comprehensible form. Additionally, the record of the arrest of a foreigner must include the grounds for the arrest.</p>	<p><a href="#">Georgian version</a>;  <a href="#">English version</a>;</p> <p><a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons in Georgia</a> (Article 64);</p> <p>Interview with practitioner lawyers.</p> <p><a href="#">Order No. 631 of the Minister of Internal Affairs of Georgia on the Approval of the Rules for the Detention and Placement of a Foreigner in a Temporary Accommodation Centre</a>, Article 2, Paragraph 3; Article 3, Paragraph 2.</p>
<p>DET.3.b</p>		<p>Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?</p>	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>Upon detention, a foreigner shall be informed, in the language and in the manner they understand, of:</p> <ol style="list-style-type: none"> <li>The grounds for detention;</li> <li>The right to an attorney;</li> <li>The right to notify any desired person/close relative of their detention;</li> <li>The right to apply to a diplomatic mission/consular office;</li> <li>The right to request medical examination;</li> <li>The right to appeal their detention.</li> </ol> <p>Detained foreigners must be allowed to immediately notify the desired/close person of their detention, if necessary, by using the resource of an authorised body.</p>	<p>Legislative Herald of Georgia:  <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons in Georgia</a> (Article 64);</p> <p><a href="#">Order No. 631 of the Minister of Internal Affairs of Georgia on the Approval of the Rules for the Detention and Placement of a Foreigner in a Temporary Accommodation Centre</a> (Article 2);</p> <p>Interview with practitioner lawyers.</p>

				<p>There are concerns regarding the proper dissemination of information about the rights granted to detainees. Lawyers who have interacted with individuals detained for removal have reported cases where some detainees were unaware of their right to appeal the decision to detain them.</p> <p>It is unclear whether guidance is provided on how to access the SDP.</p>	
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.</p>	Not to our knowledge.	
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	<p><a href="#">1954 Convention</a>: Article 27</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Being undocumented cannot be used as a general justification for detention.</p> <p><a href="#">CMW, General comment No. 5 (2021)</a>: There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released.</p> <p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>A foreigner is released where it is not feasible to remove them from Georgia due to specific hindering circumstances outlined by the law, i.e. if a person is persecuted for political beliefs, on human rights grounds, or if their life or health is in danger. Postponement of removal from Georgia may occur due to force majeure, health deterioration, disability, pregnancy risks, delays in documentation from the receiving state, or concerns for the well-being of a minor. Additionally, expulsion cannot occur when the person cannot be identified or when no state declares its consent to receive the person.</p> <p>Upon release, people may be granted the right to temporarily stay in the country. The authorities assess whether there are grounds according to which it will not be possible to expel a detainee. If so, temporary stay will be granted.</p> <p>The law provides that a temporary identification card must be issued to confirm their right to temporary residency where it is not feasible to remove a person. However, if the hindering circumstances are subsequently resolved, the State has the authority to revoke the temporary identification card. Although it is an explicit requirement by the law, there are reported cases where individuals have been denied temporary identification cards.</p> <p>It is important to note that the legislation does not impose any restrictive regulations on re-detention in cases where individuals have been denied temporary identification cards and when it becomes feasible to remove them.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons in Georgia</a> (Article 60);</p> <p>Interview with practitioner lawyers.</p>
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<p><a href="#">CJEU, Kadzoev, C-357/09 PPU (2009)</a>: After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>As noted above, once a foreigner is released because it is not feasible to remove them from Georgia due to specific hindering circumstances outlined by the law, they must be granted the right to temporarily stay in the country. A temporary identification card is issued to confirm their right to temporary residency (although in some cases the identification cards have been denied).</p> <p>In such cases, a person may be assigned the status of a person to be removed, and as a result, they are issued the named document that only grants them the right to reside legally in Georgia for a limited period of one year. They also have other rights including rights to work, healthcare, education, free speech, freedom of religion, and the right to a fair trial.</p>	<p>Legislative Herald of Georgia: <a href="#">Law of Georgia on the Legal Status of Foreigners and Stateless Persons in Georgia</a> (Article 60);</p> <p>Interview with practitioner lawyers.</p>

<p>DET.5.a</p>	<p>Return and readmission agreements</p>	<p>Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.  <a href="#">UNCRC, MKAH v Switzerland, no 95/2019 (2021)</a>: The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	<p>The Government of Georgia has entered into agreements with several countries regarding the readmission of individuals residing in Georgia without permission. These agreements also cover the readmission of stateless persons. For example, under the agreement with Denmark, Georgia is obligated to readmit third-country nationals or stateless persons who no longer meet the requirements for entry, stay, or residence in Denmark. This applies to individuals who held a valid visa or residence permit issued by Georgia at the time of the readmission request or who entered Denmark illegally after being in Georgia or transiting through its territory.</p> <p>However, there are exceptions to this readmission obligation. It does not apply if the person only transited through Georgia's international airport without entering the country or if Denmark has issued a visa or residence permit to the person before or after their entry into its territory unless certain conditions are met. These conditions include the person having a visa or residence permit issued by Georgia with a longer validity period, the use of forged documents or false statements to obtain the visa or residence permit from Denmark, or non-compliance with the conditions attached to the visa.</p> <p>Similar provisions can be found in agreements between Georgia and other countries, such as Iceland. These agreements establish the framework for the readmission of individuals in accordance with specified conditions and requirements.</p> <p>There is no information on whether efforts to secure return or readmission take place only subsequent to a determination of statelessness.</p>	<p>Legislative Herald of Georgia:  <a href="#">Agreement between Georgia and Denmark on Readmission of Persons Living without Permission</a>   <a href="#">Agreement between Georgia and Iceland on Readmission of Persons Residing without Permission</a></p>
<p>DET.5.b</p>		<p>Are you aware of cases of stateless people being returned under such agreements?</p>		<p>No.</p>	<p>Interview with practitioner lawyers.</p>

## Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<p><a href="#">1954 Convention</a>: Article 32</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p><a href="#">ENS (2013)</a>: The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	<p>Until recently, in Georgia, an adult stateless person could acquire Georgian citizenship through naturalisation, under the regular procedure, if they had resided continuously in the country for the last 10 years prior to the submission of their citizenship application, and fulfil other requirements as specified by law.</p> <p>Legislative amendments that entered into force on 1 January 2024 modified the Organic Law on Georgian Citizenship, specifically reducing the residency requirement for stateless persons seeking Georgian citizenship. According to these amendments, individuals with statelessness status in Georgia who meet other criteria established by the law can apply for Georgian citizenship after having lawfully resided in Georgia for a period of five years.</p> <p>In contrast, individuals with a foreign nationality are subject to a longer residence requirement of 10 years. Therefore, stateless persons are required to fulfil residence requirements that are half the duration compared to those with a foreign nationality. These legislative amendments align with Georgia’s commitment to reducing the residence permit requirement for stateless individuals on their path to obtaining citizenship.</p> <p>Minors with refugee status in Georgia and born on Georgian territory, who have resided in the country for a continuous period of 5 years are also eligible to acquire Georgian citizenship under the regular procedure, without the need to fulfil other requirements established by law.</p>	<p>Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Articles 9, 12-13);</p> <p>Parliament of Georgia: <a href="#">Legislative Amendments</a> (Article 1);</p> <p>European Network on Statelessness: <a href="#">European Network on Statelessness submission to inform the European Commission 2023 Enlargement Package; Progress towards addressing statelessness in Enlargement countries</a></p> <p>UNHCR: <a href="#">» Results of the High-Level Segment on Statelessness</a></p>
PRS.1.b		Are there requirements relating to ‘good character’ or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	<p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p>	<p>Yes. An individual will be ineligible to obtain Georgian citizenship through naturalisation if any of the following circumstances apply:</p> <p>a) They have committed an international crime against peace and humanity;</p> <p>b) They have participated in a particularly serious crime against individuals, the state, public security, or order as defined by the legislation of Georgia;</p> <p>c) Granting them Georgian citizenship would be detrimental to the protection of state security and/or public security in Georgia;</p> <p>d) They are wanted by law enforcement agencies in Georgia or another country, or by the International Criminal Police Organization (Interpol), and/or if extradition or expulsion procedures are underway against them.</p>	<p>Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 16).</p>
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	<p><a href="#">1954 Convention</a>: Article 32</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p><a href="#">UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021)</a>: States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.</p>	<p>To obtain Georgian citizenship through naturalisation, under the regular procedure, stateless persons are also required to pass a test that assesses their knowledge of the State language, the history of Georgia, and the basic foundations of law. This test serves as a standard to ensure that applicants have a certain level of familiarity with the country’s language, history, and legal system. However, this test has been seen as a potential barrier for some applicants, as those who fail the test after submitting their application and paying the required fee are ineligible to receive citizenship. To address this issue, recent legislative changes mentioned under PRS.1.a aim to modify the procedures for taking the test. Under the new changes, individuals who wish to become citizens of Georgia can take the test before formally submitting</p>	<p>Legislative Herald of Georgia: Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 12; Article 13 paragraph 3);</p> <p>Parliament of Georgia: <a href="#">Legislative Amendments</a> (Article 1);</p> <p>European Network on Statelessness: <a href="#">European Network on Statelessness submission to inform the European Commission 2023 Enlargement Package; Progress towards addressing statelessness in Enlargement countries</a></p>



				<p>their citizenship application. This alteration is expected to provide applicants with an opportunity to prepare for the test and increase their chances of successfully acquiring citizenship. This amendment will also exempt stateless persons from paying the fees for unsuccessful attempts of tests. These amendments apply to any person wishing to acquire Georgian citizenship, so they are applicable to both stateless individuals and those with other nationalities as well.</p> <p>At the same time, the legislation describes that other than the requirements of passing mentioned tests and having lawful residence in the country, any willing applicant for Georgian citizenship, including stateless persons, must have a place of work or real estate in Georgia, or carry on business in the territory of Georgia or hold an interest or shares in a Georgian enterprise. Although State authorities usually say that this requirement is never strictly applied in practice and no negative decision is based when these requirements are not met. UNHCR strongly advocates for the exemption from these requirements for stateless persons, as refugees are already exempted from it. Stateless children and children with refugee status are exempt from these requirements.</p> <p>Furthermore, regarding the fee for obtaining Georgian citizenship through naturalisation, under the regular procedure, for stateless persons, the legislation introduced in 2022 has completely abolished the established fee. Therefore, this is the only aspect at the moment where stateless persons are exempt from paying the state fee and registration of the application for naturalisation is free of charge.</p> <p>There is no recorded evidence of discrimination against minorities or marginalized groups in nationality laws, rules, procedures, policies, or practices.</p>	<p>Legislative Herald of Georgia:  <a href="#">Ordinance No. 508 of the Government of Georgia On Approval of Timeframes, Service Fee Amounts, and Fee Payment Procedure for Services Rendered by the Legal Entity under Public Law - the Public Service Development Agency Operating within the Ministry for Justice of Georgia, and for Services Rendered by Consular Officials within Delegated Powers</a> (Article 8).</p>
PRS.2.a	Stateless born on territory	<p>Is there a provision in law for stateless children born on the territory to acquire nationality?  <b>[If yes, continue to PRS2b. If no, proceed to PRS2i]</b></p>	<p><a href="#">1961 Convention</a>: Article 1  <a href="#">ECN</a>: Article 2  <a href="#">CRC</a>: Article 7  <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.  <a href="#">HRC, CCPR General comment No. 17 (1989)</a>: States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.  <a href="#">European Parliament resolution (2018)</a>: The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p>	<p>There are some provisions in the law for stateless children regarding acquiring Georgian citizenship. For children, in certain circumstances, Georgian citizenship can be acquired by birth. Such circumstances include the following:</p> <ol style="list-style-type: none"> <li>1. A person born as a result of extracorporeal fertilization (surrogacy) on the territory of Georgia, if neither of their parents' country of citizenship considers them a citizen;</li> <li>2. Children of stateless persons with recognised status in Georgia, who were born on the territory of Georgia;</li> <li>3. A person born in the territory of Georgia, with one parent being a stateless person with recognised status in Georgia, and the other parent being unknown.</li> </ol> <p>Additionally, a minor with refugee status who is born in the territory of Georgia or a stateless minor who has resided in Georgia for a continuous period of 5 years will be eligible to acquire Georgian citizenship through the usual naturalisation process, without the need to fulfil other requirements established by law.</p>	<p>Legislative Herald of Georgia:  <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Articles 10 and 13).</p>
PRS.2.b		<p>Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?</p>	<p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p>	<p>No. One of the major concerns is the absence of a legislative provision that would grant Georgian citizenship to children born in Georgia who otherwise would be stateless. Such a provision would further align national law with the 1961 Convention and would be an additional step forward in eradicating statelessness in Georgia.</p>	<p>European Network on Statelessness:  <a href="#">European Network on Statelessness submission to inform the European Commission 2023 Enlargement Package; Progress towards addressing statelessness in Enlargement countries</a></p>

			<a href="#">ENS, No Child Should Be Stateless (2015)</a> : The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.		
PRS.2.c		Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	Not to our knowledge.	Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The test is not an inquiry into whether a child's parents are stateless. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	Yes. The current legislation on citizenship in Georgia only names that the child of stateless parents with status in Georgia, who is born on Georgian territory, will acquire Georgian citizenship by birth.  As mentioned under PRS.2.a children born through surrogacy and the situation where one parent is stateless and the other is unknown (potentially being a foreigner) are the only other exceptions to the rule.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 10 and 13).
PRS.2.e		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	No.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 10).
PRS.2.f		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. <a href="#">CRC</a> : Articles 3 & 7 <a href="#">Committee on the Rights of the Child, Concluding observations on the Netherlands (2015)</a> : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. <a href="#">ECN</a> : Article 6(2)(b)	As noted above, if child is born within a family of stateless parents or in case one parent is stateless and the other is unknown, the child gets Georgia citizenship automatically, there is no residence requirement applied.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 10 and 13).

PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">Committee on the Rights of the Child, Concluding observations on Czech Republic (2011)</a> : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	No.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a>
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	No age limit was established.  As noted above, a minor with refugee status who is born in the territory of Georgia or a stateless minor who has resided in Georgia for a continuous period of 5 years will be eligible to acquire Georgian citizenship under the regular naturalisation procedure, without the need to fulfil other requirements established by law. The requirement to reside legally is not required by legislation.  Regarding the fee for obtaining Georgian citizenship through naturalisation, under the regular procedure, for stateless persons, the legislation introduced in 2022 has completely abolished the established fee.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 13);  <a href="#">Ordinance No. 508 of the Government of Georgia On Approval of Timeframes, Service Fee Amounts, and Fee Payment Procedure for Services Rendered by the Legal Entity under Public Law - the Public Service Development Agency Operating within the Ministry for Justice of Georgia, and for Services Rendered by Consular Officials within Delegated Powers</a> (Article 8).
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	The legislation on citizenship in Georgia makes an exception for minors with refugee status who are born on Georgian territory and have lived in the country for five years. In such cases, these minors are granted Georgian citizenship through the regular naturalisation procedure without the need to meet other grounds established by the legislation.  Until the residence requirements are met, a child born to refugee parents will not be able to receive Georgian citizenship, and the respective field within their documents will indicate nationality “unknown”.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 13);  Order N98 of the Minister of Justice of Georgia „ <a href="#">On Approval of the Procedure for Registering and Deregistering Citizens of Georgia and Foreigners Residing in Georgia and for Issuing Identity (Residence) Cards, Passports, Travel Passports, and Travel Documents</a> ” (Article 31(1.b)).
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<a href="#">1961 Convention</a> : Article 2 <a href="#">ECN</a> : Article 6(1)(b)	Georgian citizenship law addresses the issue of citizenship for children whose parents are unknown. According to the law, a minor who resides in Georgia and both parents are unknown is presumed to be a citizen of Georgia unless evidence suggests otherwise.  In this case, the granting of citizenship is not automatic. As a general rule, an application for obtaining Georgian citizenship needs to be filled out to the Agency.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 11).
PRS.3.b		Is there an age limit (e.g. ‘new-born’ or ‘infant’) in law or practice specifying when a foundling would qualify for nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	No.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a>
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	The only relevant legal basis establishes that if a minor who lives in Georgia and has unknown parents is considered a citizen of Georgia unless proven otherwise, and later the opposite is determined, then the minor may lose their Georgian citizenship. There is no clear provision indicating that, in the event of discovering the parent's statelessness or nationality that cannot be transferred to the child, the child will retain Georgian citizenship. Additionally, if it is revealed that one of the child's parents has	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Articles 11 and 19).

				statelessness status recognised in Georgia, this serves as a legal basis to grant or maintain Georgian citizenship. It is difficult to predict how Georgian authorities will decide in cases where an unknown child's parent is revealed. Nevertheless, there is no explicit regulation, prohibition, or obligation in this regard, and it is likely that the decision will be made in the best interest of the child, favouring the retention of Georgian citizenship.	
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<a href="#">1961 Convention</a> : Article 5 <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	The adoption of a minor with Georgian citizenship by a citizen or citizens of another country does not automatically change the minor's citizenship. The minor will retain their Georgian citizenship even after the adoption.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 5).
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">ECN</a> : Article 6(4)(d) <a href="#">Committee on the Rights of the Child, Concluding Observations on Switzerland (2015)</a> : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	A minor shall be granted Georgian citizenship under the regular naturalisation procedure if adopted by a Georgian citizen. There is no age limit established.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 13).
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent ( <i>ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">1961 Convention</a> : Article 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	According to the Georgian legislation on citizenship, if at least one of the parents of a person is a citizen of Georgia at the time of their birth, the person acquires Georgian citizenship by birth. The requirement of living in Georgia at the time of birth is not necessary for acquiring citizenship in this case.	Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 10).
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">ECtHR, Genovese v. Malta (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. <a href="#">UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2023</a> : Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness. <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4	No. However, it has to be noted that Georgian legislation does not allow for same-sex marriages and therefore, does not acknowledge the right of same-sex couples to have children. Situations may arise where a child is born abroad to same-sex parents through surrogacy or assisted reproduction technology and the parents seeking to have their child's Georgian citizenship recognised through jus sanguinis face issues regarding acquisition of nationality, which create a risk of statelessness for the child. Such cases have not been reported in practice so far.	<a href="#">The Constitution of Georgia</a> (Article 30(1))
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	<a href="#">CRC</a> : Article 7 <a href="#">ICCPR</a> : Article 24(2) <a href="#">CoE, Recommendation CM/Rec(2009)13 (2009)</a> : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.	Yes. The relevant legislation defines birth as a fact of legal significance that is subject to compulsory registration by the civil status registration authority. The civil status registration authority registers the birth of a child of a Georgian citizen, a stateless person having the status in Georgia who was born abroad, and the birth of a child born in Georgia. There are no identifiable discriminatory exceptions mentioned in the legislation. Additionally, birth registration shall be carried out with respect to foreigners illegally residing in Georgia.	Legislative Herald of Georgia: <a href="#">Law of Georgia on Civil Status Acts</a> (Articles 10, 20 and 22); Public Service Development Agency: <a href="#">Birth Registration</a>



			<p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Action 7</p> <p><a href="#">UN Sustainable Development Goal 16.9</a></p> <p><a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a>: Calls on States to overcome discrimination against rainbow persons and families.</p> <p><a href="#">UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021)</a>: All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	<p>Generally, the procedure for registering the birth of children born through surrogacy is clear and detailed, but access to surrogacy services is limited to heterosexual couples, as opposed to the previous regulations that also allowed single parents to pursue this option. Georgian law does not recognise same-sex marriages nor does it provide the opportunity for same-sex couples to have a child through surrogacy or assisted reproduction technology and there is no clear procedure for registering such a child. Consequently, the birth registration process can remain incomplete or may be substantially hindered for children of same-sex couples. Issues regarding both the determination or acquisition of nationality and the registration/recognition of both parents in the birth certificate could arise, which create a risk of statelessness for the child. While such cases have not been reported in practice so far, Georgian legislation does not provide any solutions to address the risk of statelessness of children of same-sex parents.</p>	
PRS.6.b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p><a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a>: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p> <p><a href="#">General Comment No 7 (2005) CRC</a>: States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p>	<p>Yes. The civil registration certificate shall be issued to the person in respect to whom the civil record has been registered. A birth certificate shall also be issued to parents, adoptive parents, guardians, and custodians, as well as to the bodies of guardianship and custody.</p>	<p>Legislative Herald of Georgia: <a href="#">Order No. 18 of the Minister of Justice of Georgia On Approval of the Procedures for Civil Registration</a> (Article 10).</p>	
PRS.6.c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<p><a href="#">CRC</a>: Articles 3 &amp; 7</p>	<p>The child's birth certificate in Georgia includes information about the child's nationality as well as the nationality of the parents. It also records the place of birth of the child. The basis for registering a child's birth is the certificate issued by the medical institution. The forms for the certificate are also approved by the legislation and it is filled by the authorized representative of the particular medical institution. As mentioned above, the certificate, which is afterward sent to the Agency (for the registration) includes separate detailed parts about the mother, child, and father all of which indicate the nationality of the respective person.</p>	<p><a href="#">Order of the Minister of Justice of Georgia No. 356 on the Approval of Sample Blanks of Records of Civil Acts and Registration Certificates and Emergency Measures for their Implementation</a> (Annex 1);</p> <p><a href="#">Joint Order No. 01-37/6 - N173 by the Ministers of Labor, Healthcare, and Social Protection and Justice</a>; (Annexes N1 and N3).</p>	
PRS.6.d	If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.	<p><a href="#">CRC</a>: Articles 3 &amp; 7</p> <p><a href="#">1961 Convention</a>: Articles 1 &amp; 4</p> <p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.</p> <p><a href="#">HRC, CCPR General comment No. 17 (1989)</a>: States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p> <p><a href="#">UNHCR, Best Interests Procedure Guidelines (2021)</a></p> <p><a href="#">HRC, D.Z. v. Netherlands (2021)</a></p>	<p>This issue is not specifically addressed in the legislation, and there is no distinct legal framework established for it. Therefore, the general regulations governing the acquisition of Georgian citizenship will be applicable in such cases.</p>	<p>Legislative Herald of Georgia: <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Chapter 2).</p>	

PRS.6.e		<p>Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?</p>	<p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p> <p><a href="#">Global Compact for Safe, Orderly and Regular Migration</a>: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p><a href="#">Global Compact on Refugees</a>: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p><a href="#">European Parliament Resolution (2018)</a>: Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p><a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a>: Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p><a href="#">UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021)</a>: All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p><a href="#">Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021)</a>: Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>	<p>Generally, the procedure for registering the birth of children born through surrogacy is clear and detailed, but access to surrogacy services is limited to heterosexual couples, as opposed to the previous regulations that also allowed single parents to pursue this option. Georgian law does not recognise same-sex marriages nor does it provide the opportunity for same-sex couples to have a child through surrogacy or assisted reproduction technology and there is no clear procedure for registering such a child. Consequently, the birth registration process can remain incomplete or may be substantially hindered for children of same-sex couples. Issues regarding both the determination or acquisition of nationality and the registration/recognition of both parents in the birth certificate could arise, which create a risk of statelessness for the child. While such cases have not been reported in practice so far, Georgian legislation does not provide any solutions to address the risk of statelessness of children of same-sex parents.</p>	
PRS.6.f		<p>Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?</p>	<p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> and <a href="#">Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC</a>: Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes.</p> <p><a href="#">CoE, ECRI General Policy Recommendation No. 16(2016)</a>: States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p>	<p>No. That being said there is also no clear firewall to prohibit the sharing of information by other entities with immigration authorities either.</p>	

PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. <a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a> : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. <a href="#">General Comment No 7 (2005) CRC</a> : States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.	The term for birth registration depends on the entity with the obligation to apply for the registration of civil acts regarding the birth of a child. Medical institutions and other authorized persons assisting the mother in childbirth are required to apply within 5 working days after the child's birth. The body of guardianship and care, educational institutions, or a person authorized by the mayor of the Municipality has a 1-month timeframe to apply to the registration authority from the notification of the child's birth. Moreover, the child's parent is required to apply to the Civil Acts Registration Authority regarding the child's birth within 1 month after the birth.  Birth registration should be explicitly completed no later than the next working day after contacting the authorized person unless otherwise specified by law.	Legislative Herald of Georgia: <a href="#">Law of Georgia on Civil Status Acts</a> (Article 23);  <a href="#">Order No. 18 of the Minister of Justice of Georgia On Approval of the Procedures for Civil Registration</a> (Article 25').
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	No. The law does not offer clear and unambiguous guidance on the procedure for late birth registration. While the civil registration process permits the registration of late births through the determination of facts of legal significance, the precise steps and responsible authorities remain ambiguously defined. This lack of clarity raises questions about whether the process should be administered by an administrative body or resolved by courts.	Legislative Herald of Georgia: <a href="#">Law of Georgia on Civil Status Acts</a>  <a href="#">Order No. 18 of the Minister of Justice of Georgia On Approval of the Procedures for Civil Registration</a>
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7	Not to our knowledge.	
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<a href="#">1961 Convention</a> : Article 9 <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4 <a href="#">HRC, Recommendations of the Forum on Minority Issues (2019)</a> : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	The Roma community in Georgia faces challenges related to statelessness and lack of documentation. While there are no exact figures available regarding the number of stateless individuals or those at risk of statelessness within the Roma community, various sources, including those working closely with the community, have highlighted these issues. The Roma population is present in different regions of Georgia, albeit with varying frequencies.  According to the accounts of the Public Defender's representatives and professionals working in relevant regions, documentation issues are particularly problematic in territorial units inhabited by ethnic minorities. These difficulties in obtaining proper documentation may be linked to the risks of statelessness and lack of citizenship. The door-to-door campaign aimed at reaching out to all those communities "at risk" with the support of municipal authorities.	Tolerance and Diversity Institute: <a href="#">Georgian Roma - TDI</a>  Iberia Magazine: <a href="#">Roma in Georgia</a>  Informational Meetings with representatives of local organisations and the Public Defender's Office.
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	<a href="#">1961 Convention</a> <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Actions 1 & 8 <a href="#">UNHCR, Good Practices Paper - Action 1 (2022)</a> : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.	In 2022, the Public Service Development Agency of the Ministry of Justice of Georgia, in collaboration with the United Nations High Commissioner for Refugees (UNHCR), carried out a comprehensive "door-to-door" campaign aimed at identifying and documenting stateless and undocumented individuals. This campaign had the objective of addressing statelessness, identifying undocumented persons in various regions of Georgia, and ensuring their proper documentation. During the campaign, mobile teams from the Public Service Development Agency visited different regions to identify stateless individuals and determine their citizenship status. The teams worked to document these individuals and provide them with identity documents at no cost. The implementation of the "door-to-door" campaign was a direct response to the commitment made by the Government of Georgia in 2019 during the High-Level Segment on Statelessness. These efforts have	Public Service Development Agency: <a href="#">Public Service Development Agency Has Signed an Agreement with UNHCR on the Implementation of the "Door to Door" Campaign</a>  Statelessness Portal: <a href="#">"Door-to-door" Campaign Was Implemented to Identify and Document Stateless Persons in Georgia</a>  2020-2030 Migration Strategy: <a href="https://migration.commission.ge/files/ms_2021-2030_eng_08.02.21.pdf">https://migration.commission.ge/files/ms_2021-2030_eng_08.02.21.pdf</a>



				resulted in a reduction in the number of undocumented individuals but there are still unaddressed needs and challenges. The 2020-2030 Migration Strategy places a strong emphasis on stateless people but lacks concrete policies or legal remedies to address challenges encountered by this group.	
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p><a href="#">1961 Convention</a>: Article 8 &amp; 9  <a href="#">ECN</a>: Article 7(3)  <a href="#">UDHR</a>: Article 15(2)  <a href="#">Principles on Deprivation of Nationality</a> and the <a href="#">Draft Commentary</a>: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 &amp; 6  <a href="#">HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009)</a>: para. 23  <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).  <a href="#">ILEC Guidelines (2015)</a>: Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>	<p>The Constitution of Georgia and the citizenship legislation strictly forbid the deprivation of citizenship. However, there are provisions in the citizenship law that allow for the termination of citizenship through loss of citizenship under specific circumstances. For instance, Georgian citizens may lose their citizenship if they voluntarily join the military, police, or security service of another country without obtaining prior permission from the competent authorities of Georgia. Additionally, if a person acquires Georgian citizenship by submitting false documents or providing misleading information, they may also face the termination of their citizenship. A person may also lose Georgian citizenship if they acquire the nationality of another country without prior consent. There are special provisions for minors who acquired Georgian citizenship and another nationality at birth.</p> <p>In cases where the grounds for loss of Georgian citizenship are discovered, a state body submits an application to the relevant agency to request the loss of Georgian citizenship for the concerned individual. In such cases, a person may be left stateless and there is no safeguard in Georgian citizenship legislation against that.</p> <p>Despite these provisions in law, no reported cases are known to UNHCR where individuals have been left stateless due to application of the above clauses.</p>	<p>Legislative Herald of Georgia:  <a href="#">Constitution of Georgia</a> (Article 32);  <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Articles 3, 19, 21, 23).</p>
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p><a href="#">1961 Convention</a>: Article 8(4)  <a href="#">ECN</a>: Articles 10 to 13  <a href="#">Principles on Deprivation of Nationality</a>: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.  <a href="#">ILEC Guidelines (2015)</a>: The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	<p>The legislation in Georgia does not provide for the deprivation of citizenship in the classical sense. Instead, there is a mechanism for the termination of citizenship, specifically through the process of loss of citizenship. When the authorities discover a reason for the loss of Georgian citizenship by a citizen (grounds listed under PRS.8.a), they submit a report on the loss of citizenship to the PSDA. The agency then considers the issue and submits a conclusion to the President of Georgia. The final decision on the termination of Georgian citizenship is made by the President.</p> <p>If the application for termination of Georgian citizenship is approved, the President of Georgia issues a decree to that effect. It's important to note that the decision on the termination of Georgian citizenship can be appealed in common courts, providing an avenue for individuals to challenge the decision if they believe it to be unjust or unlawful.</p> <p>This process ensures a level of review and oversight in the termination of Georgian citizenship, allowing for checks to safeguard individuals' rights and prevent arbitrary deprivation of citizenship.</p>	<p>Legislative Herald of Georgia:  <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Articles 3, 19, 21, 23-25, 29);  <a href="#">Resolution No. 2 of the Commission on Citizenship Issues</a> (Articles 21, 36, 38-39).</p>
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		Unfortunately, there is no available statistical information or data on figures of terminated citizenship or their further implications for statelessness.	



PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p><a href="#">1961 Convention</a>: Article 7  <a href="#">ECN</a>: Articles 7 and 8</p>	<p>Such safeguard is in place regarding the voluntary withdrawal from citizenship.</p> <p>The legislation in Georgia recognizes the right of a citizen to voluntarily withdraw from Georgian citizenship. In order to prevent statelessness, specific provisions are in place. When a person decides to withdraw from Georgian citizenship, the decision takes effect in one of the following ways:</p> <p>a) Immediately after the person submits to the relevant agency a document confirming their acquisition of citizenship in another country;  b) On the 15th day after the decision is signed, if the document presented by the competent authority of another country clearly demonstrates that the person will definitely be granted citizenship of that country upon withdrawal from Georgian citizenship.</p> <p>In practice, if the person eventually fails to acquire the nationality of another country (e.g. because the other country retracted the offer of nationality), the documents typically remain valid. There is also simplified procedure to restore Georgian citizenship, whereby a person would apply for Georgian citizenship through the naturalisation process by way of restoration. In this case, the only requirements are to pass the exam in the Georgian language, and there should not be grounds for refusal based on factors such as committing a crime or posing a threat to national security. In some cases, these requirements might also be waived.</p> <p>These provisions ensure that individuals who choose to renounce Georgian citizenship have a guarantee of acquiring citizenship in another country, thereby preventing statelessness.</p>	<p>Legislative Herald of Georgia:  <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Articles 20);  <a href="#">Resolution No. 2 of the Commission on Citizenship Issues</a> (Article 21).</p>
PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p><a href="#">Principles on Deprivation of Nationality</a> Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.  <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p>	<p>The legislation specifies that a citizen of Georgia who obtains citizenship of another country may lose their Georgian citizenship if the preservation of dual citizenship does not align with the interests of protecting the state security and/or public security of Georgia. This provision ensures that individuals who acquire citizenship of another country and potentially pose a risk to the state or public security can have their Georgian citizenship terminated.</p> <p>The lawyers engaged in matters concerning the practical application of the aforementioned provision had no practical experience in dealing with such cases.</p>	<p>Legislative Herald of Georgia:  <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Articles 21’).  Interview with the lawyers working on the cases of obtaining the status of a stateless person in Georgia.</p>
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p><a href="#">ICCPR</a>: Article 26  <a href="#">1961 Convention</a>: Article 9  <a href="#">ECN</a>: Article 5  <a href="#">Principles on Deprivation of Nationality</a>: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p>	<p>No provisions discriminate directly or indirectly against certain groups.</p> <p>Georgian citizens who seek to acquire another nationality may apply to retain their Georgian citizenship. The grounds for not permitting this relate to State or public security concerns, preventing an applicant from acquiring dual citizenship and requiring them to choose between retaining or losing Georgian nationality in order to obtain the new one. Each case involving the retention of Georgian citizenship and obtaining dual citizenship undergoes individual assessment.</p>	<p>Legislative Herald of Georgia:  <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Chapter 3);  <a href="https://matsne.gov.ge/ka/document/view/4319734?publication=4">https://matsne.gov.ge/ka/document/view/4319734?publication=4</a> (Chapter 10).</p>

<p>PRS.8.g</p>		<p>Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.</p>	<p><a href="#">1961 Convention</a>: Article 6  <a href="#">CRC</a>: Articles 2(2), 7 and 8  <a href="#">CEDAW</a>: Article 9(1)  <a href="#">Principles on Deprivation of Nationality</a>: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	<p>The legislation does not contain provisions that would create a risk of deprivation of citizenship (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality).</p> <p>The citizenship legislation in Georgia only contains specific provisions and safeguards to ensure that certain changes in marital status or citizenship of one spouse do not automatically lead to a change in the citizenship of the other spouse or their children. Specifically, the following legal reservations are in place:</p> <ol style="list-style-type: none"> <li>1. Marriage of a citizen of Georgia to a foreigner or a stateless person with status in Georgia, or a divorce, does not result in a change of citizenship for the spouses;</li> <li>2. A change of citizenship by one of the spouses does not lead to a change in the citizenship of the other spouse;</li> <li>3. Divorce between spouses does not lead to a change of citizenship for their children;</li> <li>4. A change of citizenship by one or both parents do not result in a change of citizenship for their children.</li> </ol>	<p>Legislative Herald of Georgia:  <a href="#">Organic Law of Georgia on Georgian Citizenship</a> (Article 5),</p>
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## Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		Regrettably, there is a shortage of published judgments pertaining to statelessness that are accessible for in-depth analysis. Moreover, when requesting public information, the Court does not provide the required decisions that are relevant to the subject matter at hand indicating that the Supreme Court of Georgia does not store and segregate its case-law separately indicating the issue of SDP.	Public information requested from the Supreme Court of Georgia
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants must have access to legal counsel.	<p>The local non-governmental organisation (NGO) “Rights Georgia”, with the support of UNHCR, offers pro bono legal assistance to individuals who are stateless or seeking to obtain the status of a stateless person. This organisation is committed to providing free legal assistance specifically focused on addressing issues related to statelessness.</p> <p>While Georgia has quite diverse civil society organisations providing assistance in various directions there are none that would concentrate and specialise solely on the issue of statelessness. That being said, if a stateless person faces a legal challenge that falls under the scope of existing NGOs, they will receive respective assistance. For instance, if a stateless person is also a representative of the LGBTQ+ community and has a respective legal problem, there are relevant CSOs.</p>	<p>Rights Georgia: <a href="#">Get Free-of-charge Legal Assistance</a></p> <p><a href="#">Protecting and Empowering Refugees, Asylum Seekers, Humanitarian Status Holders, and Stateless Persons in Georgia</a></p>
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		The availability of domestic academic literature on the topic of statelessness in Georgia is limited and there is a notable shortage in this regard.	