

LAW OF GEORGIA ON MIGRANT INSPECTION (as Amended)

In light of the restoration of Georgia's function as a country of transit, the prospects for the country's development, international experience with migration, Georgia's migration policy and in full observance of universally recognized international human rights norms, the present law establishes the basis for the regulation and control of immigration and emigration, the uniform practice of registering migrants entering and leaving Georgia, and migrant inspection.

Chapter 1 General Provisions

Article 1. Migrant inspection

Migrant inspection is the means of controlling and managing immigration and emigration in the country, as encompassed by the following operations:

- a) registration of migrants on the basis of a migrant card;
- b) Detention and disclosure of illegal migrants.

Article 2. Definition of Terms

For the purpose of this law the terms in usage are defined as follows:

- a) ***immigration*** - the process of migrant's entry into the country;
- b) ***emigration*** - the process of migrant's departure from the country;
- c) ***migrant*** - a person who immigrates or emigrates;
- d) ***transit migration*** - the process of migrant's travelling from one country to another by passing through a third country of transit;
- e) ***migration control*** - the process of observing the county's established immigration quota and eliminating illegal migration;
- f) ***illegal migrant*** - a person who has entered or stayed in the country in violation of the law;
- g) ***deportation*** - the process of expelling a migrant from the country.

Article 3. Laws applying to Migrant inspection

The laws applying to migrant inspection include the Constitution of Georgia, international agreements and covenants to which Georgia is a party, the present law and other normative acts.

Article 4. Purview

The law on migrant inspection shall apply to:

- a) those aliens who possess a visa for entry to Georgia;
- b) those aliens who are admitted to Georgia without a visa in the cases provided by the international agreements to which Georgia is a party;
- c) residents of Georgia (a citizen of Georgia, stateless person, immigrant) who leave Georgia;
- d) tourists entering and leaving Georgia.

Article 5. Migrant's Card

1. A migrant shall be registered and inspected for a migrant's card.
2. The migrant's card is used to gather statistics on residents of Georgia who leave the country and to control the entry, stay and exit of aliens.
3. Procedures for the issuance of the migrant's card and the card itself shall be approved by the Ministry of Refugees and Accommodation of Georgia.
4. The Ministry of Refugees and Accommodation of Georgia shall create an immigration and emigration database based on data assembled from the migrant's cards.

Article 6. Obligation of Migrants to Present a Migrant's Card

All migrants entering and leaving Georgia must fill out and carry with him a migrant's card to be presented to the authorized personnel upon request.

Article 7. Expiration Term of Migrant's Card

1. The expiration term of the migrant's card for aliens requiring should possess an entry visa to Georgia is the term of stay and activity in Georgia indicated on the migrant's card, which, as a rule, shall not exceed the expiration term of visa.
2. The term of the migrant's card for aliens not requiring a visa is the term of stay in Georgia indicated on the migrant's card, which shall not exceed one year. Upon expiration of this term, the migrant shall register with the appropriate agency of the Ministry of Foreign Affairs of Georgia.
3. Rules on the reduction and extension of the expiration term of a migrant's card shall be developed by the Ministry of Refugees and Accommodation and approved by the President of Georgia.

Article 8. Migrant Inspection Agencies and Required Funds

1. The Ministry of Refugees and Accommodation of Georgia shall carry out migrant inspections of through the State Department for Defense of the State Borders of Georgia at the border checkpoints and through Ministry of Interior of Georgia within the territory of country.
2. Rules on the relations of the Ministry of Refugees and Accommodation of Georgia vis-a-vis other government departments as regards migrant inspection shall be approved by the President of Georgia.
3. The funds required for migrant inspections and deportation of illegal migrants shall be provided by the central budget of Georgia.

Article 9. Exemption from Migrant inspection

The following persons are exempt from inspection:

- a) heads and officers of foreign consulates and embassies as well as persons who enjoy privileges and immunities pursuant to Georgian laws and international agreements to which Georgia is a party;
- b) Passengers of international airlines who are not permitted to leave the territory of the airport.

Article 10. Rates and Terms of Migrant inspection Fee

The Law of Georgia on Migrant inspection Fee determines the rates and terms of payment of the migrant inspection fee.

Article 11. Responsibility of Aliens for Breaking the Terms of Stay in Georgia

The responsibility of aliens for breaking the term of stay in Georgia is determined by Georgian legislation.

Chapter II Transitional Provision

Article 12. Normative Acts to be adopted in Connection with Enforcement of this Law

Prior to the enforcement of this law the Ministry of Refugees and Accommodation of Georgia shall:

- a) prepare a model of the migrant's card and draft procedures for the issuance of the card;
- b) draft rules on use of immigration and emigration database;
- c) draft statute on the inspection of migrants at border check points in cooperation with the State Department for Defense of State Borders of Georgia;
- d) draft statute on migrant inspection within the territory of the country in cooperation with the Ministry of Internal Affairs of Georgia;
- e) draft procedures for the reduction and extension of the expiration term of a migrant's card.

Chapter III Conclusive Provision

Article 13. Entry into Force

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

President of Georgia
Eduard Shevardnadze
Tbilisi
June 26, 1998