

Order №79 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia

26 January, 2017
Tbilisi

Asylum Procedure

Pursuant to sub paragraph “b” of Article 78 (2) of the Law of Georgia on International Protection, sub-paragraph “b” of Article 25(1) Law of Georgia on Normative Acts and the regulation of ``the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia`` (Art. 4, Para. 2 (R)) adopted by the government decree №34 on February 22, 2008, I declare:

Article 1

1. The enclosed “Asylum Procedure” shall be adopted according to annex 1.
2. “Code of Conduct for interpreters” shall be adopted according to annex 2.
3. “Protocol for Consultations” shall be adopted according to annex 3.
4. “Application for International Protection” shall be adopted according to annex 4.
5. “Notification for Profiling Interview form” shall be adopted according to annexes 5 and 6.
6. “Form of withdrawal of application for international protection” shall be adopted according to annex 7.
7. “Notification on Consequences of withdrawal of application for international protection” shall be adopted according to annex 8.
8. “Form for Subsequent Application for International Protection” shall be adopted according to annex 9.
9. Profiling Form and Profiling form for Family Members shall be adopted according to annexes 10 and 11.
10. Checklist for Profiling Interview shall be adopted as per annex 12.
11. Checklist for RSD Interview shall be adopted as per annex 13.
12. “Form for RSD Interview Transcript” shall be adopted according to annex 14.
13. “Standard Operating Procedures for COI Research” shall be adopted according to annex 15.
14. “Form for Subsequent Application for International Protection” shall be adopted according to annex 16.
15. Forms on Cessation of Refugee and Humanitarian status and temporary protection as per annexes 17, 18 and 19.

Article 2

3. The Order No100 on the “Procedures for Granting Refugee and Humanitarian Status“ passed by the Minister of Internally Displaced Persons From the Occupied Territories, Accommodation and Refugees of Georgia on 16 August, 2012 shall be declared annulled.

Article 3

The order enters into force as of 1 February 2017.

Minister of Internally Displaced Persons from
the Occupied Territories, Accommodation
and Refugees of Georgia

Sozar Subari

Asylum Procedure

Asylum procedure defines the rules for reception of asylum-seekers, registration and consideration of applications for international protection, as well as granting, cancelation, cessation and revocation of refugee and humanitarian status or temporary protection.

Chapter I General provisions

Article 1. Purpose

The purpose of the asylum procedure is to introduce and reinforce a unified set of standards to ensure fair, comprehensive, effective and consistent asylum procedure.

Article 2. Definition of terms

1. For the purpose of the procedure, the terms used therein shall have the following meaning:
 - a) Department - Department of Migration, Repatriation and Refugee Issues at the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (hereinafter: the Ministry);
 - b) Division – Division on Asylum Issues of the Department;
 - c) Status Determination (RSD) Unit - a structural sub-unit of the Division;
 - d) Status Determination (RSD) specialist - a staff of the Status Determination Unit tasked to assess needs for granting refugee or humanitarian status to asylum-seekers or cancelation, cessation or revocation of international protection pursuant to the Law of Georgia on International Protection and present procedure;
 - e) Country of Origin information (COI) Unit - structural subunit of the Division;
 - f) Reception area – a specially designated place at the premises of the Ministry for the implementation of asylum procedure and consists of consultation, registration, application and interview rooms and waiting area;
 - g) Personal file – a collection of all documents and/or materials pertaining to the asylum procedure of asylum-seekers or those under international protection or all documents and materials concerning these individuals;
2. Except for terms provided in Paragraph 1 of Article 1, all other terms outlined in this Order have same meanings as defined in Article 3 of the Law of Georgia on International Protection.

Article 3. Principle of confidentiality in asylum procedures

1. Information regarding an asylum-seeker and persons under international protection, as well as data and information concerning their application for international protection remains confidential and may not be released in any manner without their written consent to mass media, other organizations, government agencies and citizens of the country of origin, or citizens of Georgia who have a stateless status in Georgia.
2. Competent official, translator/interpreter, legal representative/guardian/custodian/support provider of the asylum-seeker shall protect confidentiality of information related to the asylum procedures of the asylum-seeker.
3. Asylum-seekers and persons under international protection shall be provided with information on the protection of confidentiality by the state agencies responsible for the implementation of the Law of Georgia on International Protection and by the United Nations High Commissioner of Refugees.
4. Information concerning asylum-seekers and persons under international protection may be disclosed to state agencies in accordance with obligations under the international treaties related to extradition or terrorism, ensuring the protection of the information on asylum claim.
5. Information concerning asylum-seekers or persons under international protection may be disclosed only in circumstances whereby requirements of the Law of Georgia on Personal Data Protection are met.

6. Legal representative of the asylum-seeker and the person under international protection shall have access to any information related to the asylum procedure except for that containing classified information, upon the submission of documents confirming his/her due authorization and representation.

Article 4. File management procedures

1. Competent official shall take all organizational and technical measures to ensure that personal files of asylum-seekers are complete and organized so that authorized official can quickly and accurately understand the history and status of the file.

2. Documents obtained as part of the asylum procedure (except for the passport) shall be kept in the personal file in a chronological order based on the date of their issuance with each of page duly numbered.

3. Personal file shall be opened on the day of submission of the application for international protection to the Ministry.

4. Documents of the asylum-seeker's family members shall be registered and filed in the asylum-seeker's personal file. In the event of the initiation of a separate asylum procedure in relation to family members of the asylum-seeker, a separate file shall be opened for the family member in question. A separate file maybe opened for family members at any time in RSD processing, where this may arise due to individual circumstances and would serve promote efficiency.

5. Personal file shall contain photocopies of documents presented by the asylum-seeker or the person under international protection, also any documents related to the asylum procedure including documents concerning granting of derivative status.

6. Personal file shall contain the following documents:

a) The application of the asylum-seeker for international protection;

b) Photos (size 3X4) of the asylum-seeker and his/her family members;

c) Photocopies of all types of identification documents of asylum-seekers and their family members, as well as photocopies of documents related to the application for international protection with Georgian translations where available;

d) Photocopies of profiling materials of the asylum-seekers and his/her underage family members authorized with signatures;

e) Materials related to interviews conducted with the asylum-seeker and his/her adult family members authorized with due signatures;

f) Audio recordings of interviews conducted with the asylum-seeker and his/her adult family members;

g) Any official correspondence related to the asylum-seeker, except for those containing classified information on the national security;

h) Medical information and records where appropriate;

i) Official decisions made in relation to the application for international protection filed by the asylum-seeker and/or his/her family members;

j) Documents related to extradition and expulsion proceedings where available;

k) Contact information of the asylum-seeker (residence address, phone number, email etc);

l) Documentation stipulated in the present Order in relation to the asylum procedure signed by the competent official;

m) Any document obtained or compiled by the competent official or/and submitted by the person under international protection related to cancellation, cessation and revocation of the status;

n) Documents confirming authorization and/or representation of legal representatives/ guardian/ custodians/ support providers where appropriate;

o) A photocopy of temporary residence permit issued to the asylum-seeker or the person under international protection by the LEPL Public Service Development Agency.

7. Personal file shall also include the list of enclosed documents.

8. Each personal file shall be given a unique number in order to ensure effective organization and systematization.

9. Personal files of asylum-seekers and persons under international protection shall also be entered in the unified database for asylum-seekers and persons with international protection.

10. Access to data related to asylum-seekers and persons under international protection shall be restricted and materials kept in an adequately isolated and secured place. Only competent official undertaking actions stipulated by the asylum procedure, as well as heads of the Division and Department shall have access to such materials.

11. File management of the case includes:

- a) Identification of the authorized official to have access to personal file related to the asylum-seeker or person under international protection based on their competences defined by the law;
- b) Ensuring the security of the personal file;
- c) Ensuring access of the third party to information related to the asylum-seeker or person with international protection in cases outlined by the law including specific volume and conditions.

12. All adequate measures shall be taken in order to ensure the confidentiality of information in the unified database for asylum-seekers and persons under international protection. Such measures shall include differentiation of the level of access and restriction of authorization for modifying information in various database fields for the competent officials.

13. Withdrawal and return of the personal file to its storage place shall be registered in the registry with the indication of the dates of withdrawal and return, the name and the signature of the authorized official withdrawing the file.

14. Under no circumstances shall document(s) be removed from the personal file in a manner that violates the present article.

15. Supervision over case management shall be carried out by a specifically designated official who is tasked to:

- a) Provide training on implementing file management procedures;
- b) Conducting random monitoring to ensure that staff members are complying with established procedures.

16. The authorized official responsible for oversight of file management procedures shall be accountable to the Head of Division of Asylum Issues.

Article 5. Reception area

1. Reception area should be planned in a manner which allows the asylum-seeker or the person under international protection, and the authorized official to communicate in privacy.

2. For the purpose of ensuring confidentiality of the asylum procedure, rooms for consultation, profiling and interview shall be separated from the registration room and waiting area. In addition, asylum-seekers or persons under international protection shall be called upon by their number.

3. Waiting area arranged shall meet following standards:

- a) Chairs and benches;
- b) Access to bathrooms;
- c) Access to drinking water;
- d) Adequate heating, air conditioning and lighting.

4. Registration, consultation, profiling and interview rooms shall meet the following standards:

- a) Adequate heating, air conditioning and lighting;
- b) Layout of furniture and technical equipment should permit easy unobstructed exit for the authorized official;
- c) Panic buttons should be installed in an easily accessible place for the authorized official to reach;
- d) Mobile phones, as a rule, should be switched off;
- e) During an interview an 'interview in progress' sign should be put up on the door;
- f) Drinking water should be available in the room.

Article 6. Security in reception area

1. Security shall be provided for persons present in the reception area.

2. The following measures shall be taken in order to ensure security during the implementation of the asylum procedure:

- a) Measures for crowd control and the orderly entry of individuals onto the reception area;

b) Rooms designated for consultation, registration, profiling and interview shall be equipped with panic buttons in order to prevent security incidents in the reception area and/or call for emergency assistance.

3. Supervision over security issues concerning asylum-seekers, persons under international protection and authorized officials in the reception area falls within the competences of the individual responsible for the security of the Ministry's administrative building who reports to the Head of the Division.

4. Any security related complaints made by the asylum-seeker or the person under international protection against the authorized official or security staff of the Ministry's administrative building shall be immediately submitted to the Head of the Division and the person in charge for the security of the Ministry's administrative building to examine circumstances indicated in such claims and take necessary measures within their respective competences.

5. Competent officials involved in the asylum procedure shall be given compulsory training in prevention of security incidents including:

a) Techniques for effective communications (including responding to persons who are mentally ill or under the influence of drugs or alcohol);

b) Ability to timely respond to conflicts and conflict management skills;

6. The reception area shall respond to the following security requirements:

a) The layout of the reception area should provide direct access from the waiting area to consultation, registration, profiling and interview rooms;

b) Authorized official should be able to exit consultation, registration, and profiling and interview rooms in an easy and unobstructed manner;

c) Consultation, registration, profiling and interview rooms should be cleared from sharp and/or piercing objects or items that can be used as a weapon.

7. Before granting permission to enter in the reception area any individual shall go through physical checks/searches. Such checks/searches shall be conducted in a respectful manner by a security staff of the same sex in charge of the security of the Ministry's administrative building.

8. Security staff responsible for the security of the reception area at the Ministry's administrative building shall be trained in the following issues:

a) Rights of asylum-seekers and persons under international protection including the right to have access to the reception area and meet with the authorized official;

b) Appropriate treatment and communication skills with persons with specific needs;

c) Conflict management skills including:

c.a) Use of physical force as the last resort to prevent persons in the reception area from harming themselves and others.

c.b) Call for police as the last resort for the purposes of protection of security.

Article 7. Interpretation in the asylum procedure

1. Asylum-seekers and persons under international protection should have access to the services of interpreters.

2. Authorized staff involved in asylum procedures should have adequate skills to communicate effectively through interpreters.

3. Interpreters shall be provided with compulsory training on asylum procedure.

4. Interpreters hired by the Ministry shall provide services throughout the asylum procedure. Interpreters hired by the Ministry shall have effective language and interpretation skills.

5. Interpreters providing services during asylum procedures shall sign the Code of Conduct for Interpreters – Annex N2 approved by Article 1 (2) of this order.

6. In case of absence of interpreter of a relevant language in the Ministry, interpretation service may be provided by:

a) An interpreter designated upon the request of an asylum-seeker or the person under international protection;

b) An interpreter identified by the Ministry.

7. The Ministry shall not be held responsible for paying for the interpretation services in the circumstance stipulated by Paragraph 6 (a) of this article.
8. Wherever possible during the implementation of the asylum procedure an asylum-seeker or the person under international protection shall be provided with the interpreter of the same sex unless an asylum-seeker or a person under the international protection requests the services of interpreters of the other sex. An asylum-seeker and a person under international protection should be able complaint about the services of interpreters to authorized staff.
9. In the events stipulated by paragraphs 6(a) and (b) of this article, the authorized official shall:
- a) Request information on the level of the command of a language and respective interpretation experience of the interpreter;
 - b) Ensure that there is no conflict of interest between an asylum-seeker or a person under international protection, and the interpreter;
 - c) Explain to the interpreter character and purpose of the interview, level of the interpretation expected in asylum procedures and code of conduct of interpreters;
 - d) Ensure that the interpreter is aware of the confidentiality of asylum procedures.
10. Under no circumstances shall legal representative/guardian/custodian/support provider of an asylum-seeker or a person under international protection serve as an interpreter during the asylum procedure.
11. Asylum-seekers should not be requested to provide interpretation services. In case the interpreter of the specific language is not available, the person under international protection having the command of the language in question may be contracted to provide interpretation service during the asylum procedures provided that the latter has been trained in specifics of the asylum procedure and has appropriate skills. In such events the competent official shall obtain prior consent from an asylum-seeker or a person under international protection for whom interpretation is done.
12. At any stage of the asylum procedure interpreters shall remain impartial. More specifically, the interpreter:
- a) Should not assess credibility of the asylum-seeker or the person under international protection;
 - b) Should never engage in advocacy on behalf of an asylum-seeker or the person under international protection;
 - c) Should not accept requests to meet with asylum-seekers and persons under international protection outside of the Ministry's premises, or engage in any other exchange of information that could affect their impartiality;
 - d) Shall notify the competent official of any factors which could be perceived to affect the interpreter's impartiality including threats or offers of bribery received by the interpreter;
 - e) Shall not select the asylum-seeker or the person under international protection for whom she/he provides interpreting services;
 - f) Shall not provide counselling to an asylum-seeker or a person under international protection.
 - g) Shall not undertake any action which is not related to interpretation.
13. Interpreters should maintain confidentiality regarding the information they receive when carrying out their responsibilities for the Ministry and should not disclose this information to persons other than competent official participating in the asylum procedure.
14. The obligation to maintain the confidentiality of information received during the asylum procedure extends beyond the length of the contract concluded between the interpreter and the Ministry.
15. The interpreter should not have access to areas where files of asylum-seekers and persons under international protection are kept.
16. Access to individual files should be limited to what is necessary to carry out authorized responsibilities.

Chapter II.

Reception of Alien, the Stateless Persons, or Asylum-seekers, Registration of the Application for International Protection and Profiling Interview

Article 8. Reception of alien, stateless person or asylum-seeker

1. The receptionist assisted by authorized personnel and interpreters shall coordinate the orderly entry of aliens, stateless persons and asylum-seekers onto the reception area. Administrative responsibilities of the authorized official shall be defined by a respective legal act issued by the Minister.
2. The Receptionist shall assess the type of assistance sought by applicants and coordinates referral to appropriate procedure.
3. Asylum-seekers who have scheduled a meeting for profiling or any other asylum related procedures should present their appointment slip. The asylum-seeker shall wait in the reception waiting area until the competent official is able to receive the former.
4. Reception procedures should include measures to identify promptly asylum-seekers who may have specific needs.

Article 9. Provision of information to asylum-seekers on the asylum procedure

1. Asylum-seekers should be provided with necessary information on the asylum procedure including their rights and obligations.
2. Consultations on the asylum procedures may be provided to more than one asylum-seeker simultaneously.
3. The authorized official who conducts consultation shall fill out consultation protocol pursuant to Annex N3 stipulated under Article 1 (3) of the order. The protocol should be kept in the asylum-seeker's personal file.

Article 10. Confidentiality in reception

1. The authorized official shall take appropriate measures in reception to preserve the confidentiality. She/he should avoid undertaking such actions which may lead to the identification of the asylum-seeker or the person under international protection. Instead, alternative methods such as assigning numbers to asylum-seekers or persons under international protection should be used to preserve confidentiality in reception area.
2. The authorized official shall not request the assistance of other asylum-seekers in reception to provide interpretation, except in circumstances defined by Article 7 (11) of this procedure.

Article 11. Responsibilities of staff undertaking registration of applications for international protection

Staff responsible for receiving and registering applications for international protection filed by aliens or stateless persons are required to:

- a) have sufficient knowledge of rights and obligations of asylum-seekers and persons under international protection, as well as the asylum procedure;
- b) have the ability to identify persons with specific needs and undertake appropriate actions;
- c) have the age, gender and cultural sensitivity when working with asylum-seekers;
- d) know interview techniques including conducting interviews with persons with specific needs, and knowledge of working with interpreters;
- e) possess conflict management skills.

Article 12. Reception and registration of applications for international protections

1. Aliens or stateless persons submit an application for international protection to the Ministry as per Annex N4 Application for International Protection approved by Article 1(2) of this order. Aliens and stateless persons fill out the application form for international protection in a language which she/he understands. Georgian translation should be enclosed within the application.

2. Aliens and stateless persons shall indicate factual address in Georgia and other contact information (phone number, email) in the application form. If the applicant has no knowledge of the address or in the absence of such address, the latter should be informed on his/her obligation to provide the address for the purposes of profiling interview procedure.
3. Application for international protection submitted by the alien or stateless person and their family members shall be registered immediately taking into consideration the principle of family unit. The application for international protection shall also include data on family members of the applicant.
4. Identification documents and any other documents supporting the applicant's need for protection, wherever available, should be attached to the application for international protection.
5. The applicant and his/her family members shall be given the unique registration numbers which include the unique personal file number. Under no circumstances shall registration numbers be modified. The registration number shall be used for identification purposes at all stages of asylum procedure and after the granting of the relevant status.
6. The application for international protection shall be deemed accepted from the day of its registration at the Ministry. A form of an asylum-seeker's certificate and the rules for issuing and replacing it, shall be determined by the Minister's normative act.
7. The asylum-seeker's certificate shall be issued only to an asylum-seeker.
8. After registration of the application for international protection, the registration staff shall take a photo of an asylum-seeker and stores in a digital form. The registration staff shall also take fingerprints from all asylum-seekers over the age of fourteen years and make copies of travel documents where available, and enter them in the unified database for asylum-seekers and persons under international protection, and in their respective personal files. The rule for taking fingerprints and processing personal data is regulated by the relevant normative act of the Minister.
9. All measures shall be taken in order to prevent modification, replacement or deletion of photographs, fingerprints and/or other information stored in the unified database for asylum-seekers and persons under international protection.
10. Immediately upon the receipt of an asylum-seeker's certificate, an asylum-seeker shall hand over his/her travel document, if any, which shall be returned to the owner under the following circumstances:
 - a) If the Ministry decides to terminate processing of the application for international protection based on the applicant's decision to withdraw his/her application for international protection;
 - b) Upon the decision of the Ministry to reject the application for refugee or humanitarian status;
 - c) After court's decision to reject the application for refugee or humanitarian status takes effect, following the appeal of the decision of the Ministry in a manner stipulated by the respective law.
11. Receipt and return of the travel document shall be registered in the registry and confirmed by signatures of both an asylum-seekers and the authorized staff.
12. In order for an asylum-seeker to be able to collect his/her temporary identification document, the latter shall be issued the asylum-seeker's certificate and a certified copy of the passport.
13. On the day of submission of the application, asylum-seeker shall be informed in writing and in a language he/she understand on the date of profiling interview, on his/her obligation to present his/her factual address and all relevant documents, if any. The written notice to be compiled pursuant to form outlined in Annex N5 and approved by Article 1(5) of this order, and to be signed by an asylum-seeker and the competent official, shall also provide information on consequences of the failure of an asylum-seeker to show up twice for profiling or the interview, unjustifiably disregarding notification from the Ministry.

Article 13. Applications for international protection by unaccompanied and separated minors or persons with disability requiring the legal representation

1. If a request for international protection is made by the unaccompanied minors or persons with disability requiring a legal representation, they shall immediately be registered as asylum-seekers and a protocol shall be developed by the competent official. The applications for international protection shall be submitted only after the appointment of a guardian/custodian/support provider. The period of reviewing the

application for international protection starts on the day on which the application for international protection is registered.

2. Protocol on behalf of unaccompanied children or persons with disability requiring legal representative shall be prepared the competent official and signed by him/her and an interpreter wherever applicable.

3. Upon the identification of unaccompanied minor or persons with disabilities requiring legal representatives, the competent official shall immediately apply to respective care and protection agencies and request the accommodation and appointment of a guardian/custodian/support provider during their stay in Georgia.

4. For every unaccompanied minor or a person with disabilities requiring the legal representative a designated guardian/custodian/support provider acting in the best interest of unaccompanied minor or person with disabilities, shall be responsible for the submission of the application for international protection.

5. The asylum-seeker's certificate shall be issued to a guardian/custodian/support provider on behalf of unaccompanied minor or the person with disabilities requiring legal representation.

6. On the day of the submission of the application for international protection, a guardian/custodian/support provider of the unaccompanied minor or a with disabilities, shall be informed in writing on the date of profiling interview, on the applicant's obligation to present his/her factual address and all relevant documents, if any. The written notice to be compiled pursuant to form outlined in Annex N 6 and approved by Article 1 (5) of this order, and to be signed by the guardian/custodian/support provider and the competent official, shall also provide information on consequences of the failure of an asylum-seeker to show up twice for profiling unjustifiably disregarding notification from the Ministry.

Article 14. Withdrawal of the Application on International Protection and subsequent applications

1. The application for international protection may be withdrawn upon a written request of an asylum-seeker or his/her legal representative/guardian/custodian/support provider before a decision on granting international protection has been made by the Ministry.

2. In the event stipulated under paragraph 1 of this Article, an asylum-seeker shall file the application for withdrawal pursuant to Annex N7 approved by Article 1(6) of this order.

3. The competent official shall explain to asylum-seeker legal consequences of the withdrawal from international protection in a language he/she understands and fill out a respective protocol pursuant to Annex N8 of Article 1(7) of this Order to be signed by the competent official of the Ministry and an asylum-seeker or his/her legal representative/guardian/custodian/support provider.

4. Following withdrawal of an application for international protection, asylum-seeker may submit a subsequent application for international protection if there are new circumstances to his/her claim and they became known to him/her after the withdrawal of the application for international protection, in such case Ministry shall provide an asylum-seeker with access to a fair and effective asylum procedure. If an asylum-seeker wants to reopen the application, he/she should explain the reasons for the withdrawal and re-applying pursuant to Annex N9 subsequent application for International Protection approved by Article 1(8) of this order.

5. After withdrawal of the application for international protection, the competent official takes the decision to close the application for international protection within seven working days after asylum-seeker signs the respective protocol. The decision (in Georgian and translated in the language asylum-seeker understands) is sent to an asylum-seeker or his/her legal representative/guardian/custodian/support provider within three working days with the information about appeal procedure.

6. After the decision to close the application for international protection based on withdrawal of the application for international protection is made, an asylum-seeker shall return a temporary identification document to the Ministry and leave the territory of Georgia in the timeframe set by Georgian legislation, unless there are other legal grounds for his/her stay in the country.

Article 15. Responsibilities of the competent official for Conducting Profiling and RSD interview

The competent official responsible for conducting profiling and RSD interview shall be required to:

- a) have sufficient knowledge of rights and obligations of asylum-seekers and persons under international protection as well as specifics of the asylum procedure;
- b) demonstrate the ability to identify persons with specific needs and take appropriate measures to respond appropriately to their needs;
- c) have age, gender and cultural sensitivity when working with asylum-seekers;
- d) know interview techniques including conducting interviews with persons with specific needs;
- e) have conflict management skills.

Article 16. Profiling Procedure

1. Initial interview for completion of a profiling questionnaire is conducted with the asylum-seeker within 10 working days from the date of filing the application for international protection. Profiling interviews shall also be conducted individually with every adult family member of an asylum-seeker who are present in Georgia for the time of interviews.

2. Profiling questionnaire of the asylum-seeker shall be filled out pursuant to Annex N10 Form approved by Article 1(9) of this order, while profiling forms for each family member shall be completed individually pursuant to Annex N11 Form approved by the same article of this order. The profiling interview is conducted by the competent official in a room specially designated for this purpose.

3. Profiling is done in written form and audio recording is used to guarantee the accuracy of the profiling documentation. An asylum-seeker shall be informed on the procedure to record the interview prior to the commencement of profiling interview. Audio recording is carried out in the following manner:

- a) Authorized profiling staff shall turn on recording equipment after information on audio recording is provided to the asylum-seeker;
- b) The time and date of the commencement of the profiling interview shall be pronounced verbally upon the turning on of the recording appliance;
- c) Whenever the recording needs to be paused, the reason for the pause and the time shall be pronounced verbally. The time of renewal of the recording shall also be pronounced;
- d) The end of the recording and the completion time of the interview shall be pronounced verbally;
- e) Recording shall be saved on CD in a digital form and kept in the asylum-seeker's personal file.

4. As soon as the profiling procedure commences, the asylum-seeker shall be informed on rights and obligations of the asylum-seeker outlined in the Law of Georgia on International Protection as well as the asylum procedure as per a form provided by Annex N12 approved by Article 1(10) of this order.

5. A legal representative of an asylum-seeker may be permitted to attend the profiling procedure after she/he presents a document confirming his/her authority.

6. Guardians/custodians/support providers of unaccompanied children or persons with disabilities requiring legal representatives shall be permitted to the profiling interview procedure after she/he presents a document confirming his/her authority.

Article 17. Documents

1. Before the initiation of the profiling procedure, an asylum-seeker shall present all available documents relevant to his/her age, origin, identity, citizenship(s), country(s) of origin, place(s) and reasons for and circumstances of entering the territory of Georgia, as well as documentation and information related to his/her family members.

2. Documents outlined in paragraph 1 of this article shall be presented in originals where available and/or best available /readable copies.

3. An asylum-seeker shall provide an explanation for any missing documents stipulated under paragraph 1 of this Article. The explanations should be recorded in the appropriate section of the profiling form.

4. Where an asylum-seeker is able to obtain missing documents that are relevant to the claim, without personal risk or risk to others, she/he should be asked to do so and shall be schedules a separate appointment

for handing over the documents to the Ministry. The relevant information should be noted in the profiling form.

5. Under no circumstances shall an asylum-seeker be asked to approach the authorities in the country of origin to obtain documents or to take any other steps that could place family members or associates who remain in the country of origin at risk.

6. The competent official shall make copies of all original documents provided by an asylum-seeker and store in his/her personal files, and make notes on the description of such documents including the date of submission and the type (originals or copies).

7. Under no circumstances shall original documents be retained on the asylum-seeker's personal files.

Article 18. Persons with Specific Needs

1. Asylum procedure should include measures to identify asylum-seekers who may have specific needs.

2. The following categories shall be considered as persons with special needs:

a) minor;

b) unaccompanied minor;

c) person with disabilities;

d) elderly;

e) pregnant women;

f) single parent with minor child(children);

g) victims of human trafficking;

h) persons with serious physical or mental health issues;

i) persons suffering from post-traumatic stress disorders;

j) victims of torture, rape, mental, physical and sexual abuse;

k) persons in need of special procedural guarantees to exercise the rights and undertake the obligations prescribed by the Law of Georgia on International Protection.

3. When the vulnerability or specific needs of an asylum-seeker is identified at the stage of application for international protection, she/he should be given apriority in reception and registration procedure.

4. After identification of asylum-seekers with specific needs competent official shall assess the needs of these individuals.

5. Upon application for international protection made by the persons with specific needs the Department shall ensure their transportation to and accommodation in the reception center, as for unaccompanied minors, their accommodation shall be decided taking into consideration the best interests of the child. The rule for placing an asylum-seeker in the reception center or in any other place, shall be regulated by a normative act of the Minister.

6. The Ministry shall immediately inform the guardianship/custody institution when an unaccompanied minor is identified and the institution will appoint a guardian/custodian without a delay pursuant to the legislation. As for the persons with disability, appointment of guardian/custodian will be done according to the needs of an individual.

Article 19. Victims of torture, or inhuman or degrading treatment, or mental or physical abuse

1. Victims of torture, or inhuman or degrading treatment, or mental or physical abuse should have access to counselling related to the asylum procedure and adequate medical and psychological assistance during the asylum procedures.

2. Applications for international protection submitted by victims of torture, or inhuman or degrading treatment, or mental or physical abuse shall be given priority while reviewing applications for international protection.

Article 20. Women with specific needs

1. Women who are victims of sexual or domestic violence, as well as pregnant women and single mothers shall be immediately provided with counselling by the competent official on the asylum procedure and their rights and obligations stipulated by the Law of Georgia on International Protection.
2. Competent official providing counselling to women should have knowledge of techniques for interviewing women with specific needs and information on available resource for appropriate medical treatment, psychological counselling, and social and legal support.

Article 21. Reviewing application for international protection submitted by unaccompanied minor

1. In all decisions and/or actions taken with regard to the asylum procedure involving unaccompanied minors best interests of the child shall be a primary consideration.
2. Competent official who provides assistance and counselling to unaccompanied minors should have adequate skills and qualifications for interviewing minors as well as knowledge of basic principles and rights of the child. Competent official working with minors should take into consideration age and skills, a level of maturity as well as cognitive and communication skills of unaccompanied minor.
3. A guardian/custodian/support provider shall be designated for all unaccompanied minors to ensure their adequate representation at all stages of asylum procedure and that any decision taken with regard to a minor shall be in his/her best interests. If unaccompanied minor is placed in a penitentiary institution of the Ministry of Corrections of Georgia or other detention facility, his/her lawyer shall be present at a profiling interview.
4. Upon the application of the unaccompanied minor for international protection, any decision taken with respect to his/her accommodation shall be in his/her best interests.
5. Wherever possible, the Department shall take all measures to trace family members of unaccompanied minors within shortest possible timeframe. Any actions taken in this respect shall be in the best interest of a child.
6. If unaccompanied minor is unable to provide identity documents, information provided by him/her should be accepted. Where there are reasonable grounds to believe that an asylum-seeker may be an adult, medical/forensic age assessment should be undertaken. Benefit of the doubt shall be extended to a minor in case there are any doubts about the actual age provided by him/her.

Article 22. Persons with disabilities, persons with serious physical/and or mental conditions, children with cognitive disorders, persons with post-traumatic stress disorder

1. At an initial stage of the asylum procedure the competent official shall provide counselling to persons with disabilities, persons with serious physical/and or mental conditions, with cognitive disorders, persons with post-traumatic stress disorder on a possibility of social, medical, psychological or other assistance available according to the legislation.
2. Before making any decision with respect to claims for international protection made by persons with disabilities, persons with serious physical/and or mental conditions, with cognitive disorders, persons with post-traumatic stress disorder, competent official should take all available measures to assess/identify the capacity of an asylum-seeker to understand the asylum procedure and to present the evidence necessary to determine their eligibility for international protection.
3. Where there are reasons to believe that an asylum-seeker is suffering from mental illness or disability, the Ministry should immediately refer him/her to relevant guardianship/custodial institution defined by the law to ensure that he /she undergoes relevant examination and based on psycho-social needs support provider is appointed as prescribed by the law.
4. Examination of applications for international protection submitted by asylum-seekers suffering from mental illness or disability, shall be suspended until the appointment of a support provider. Before the appointment of support provider, an asylum-seeker shall enjoy the rights guaranteed by the Law of Georgia on International Protection.
5. Profiling and RSD interview of asylum-seekers suffering from mental illness or disability shall be conducted by specially trained competent official. Where necessary appropriate field specialist should also attend interviews.

6. Interviews with asylum-seekers suffering from mental illness or disability shall be omitted if the latter is unable to provide necessary information for reasons beyond their control. In such cases decisions with respect to international protection shall be made pursuant to the Law of Georgia on International Protection and based on information obtained in the course of the asylum procedure or any other relevant documents.

Article 23. Creation of interview schedule

1. Asylum-seekers should be scheduled for interviews in the order that the application for international protection has been received except for manifestly well founded cases outlined by Articles 15 and 19 of the Law of Georgia on International Protection, or where the application is made by the victim of torture or violence as per Article 39 of the same law, or the subsequent applications as per Article 45, which requires that applications should be considered in a prioritized manner.

2. Applicants going through the expulsion or extradition proceedings, or referred to accelerated procedure should be interviewed by the RSD specialist within a defined timeframe, as soon as possible, with the consideration of a compulsory one month period for consideration of the application, but no later than 10 days before the expiration of this period.

3. In order to avoid overcrowding in the reception area, meetings with asylum-seekers, profiling and RSD interviews shall be scheduled through a central scheduling system coordinated by the receptionist.

4. If interviews need to be rescheduled the competent official shall inform the receptionist about the rescheduled date.

5. The head of the Division shall be informed on any problems identified in the course of scheduling which may have implications on the effective implementation of asylum procedures.

Article 24. Scheduling RSD interviews

1. The following circumstances shall be taken into consideration while scheduling interviews:

a) Level of understanding of RSD staff of asylum-seeker's country of origin;

b) Whether or not an asylum-seeker has specific needs;

c) Complexity of the case;

d) Number of other meetings scheduled for the week (family reunification interviews, additional interviews, meetings for handing over of documents);

2. Interview shall be appointed with consideration of time needed by asylum-seeker to provide the information and time required for analyzing the provided information.

3. RSD officer shall conduct the interview within four months from the registration of the application for international protection with the exception of cases provided under paragraph 6-8 of Article 29 of the Law of Georgia on International Protection, within the period defined by the competent official pursuant to paragraph 2 of Article 24 of this procedure.

Article 25. Rescheduling the RSD interview

1. Where requests to reschedule RSD interview to a later date is made by the asylum-seeker, the competent official should make a decision based on circumstances of or reasons behind such requests. If the interview is rescheduled, asylum-seeker's request is documented on his/her personal file, and a new date for the interview is scheduled as per the established interview schedule but no later than two weeks from the scheduled date. The interview may be rescheduled only twice.

2. Taking into consideration possible implications of the rescheduling, a request shall only be granted by a consent of the head of the Division of Asylum issues.

3. With respect to request made by the person going through the expulsion procedure, or subject to extradition or consideration under accelerated procedure, a request for rescheduling shall only be granted if it is the last resort but no later than three days from the day of the initial interview appointment.

4. When the number of scheduled status determination interviews exceeds processing capacity of the Division, decisions regarding rescheduling shall be made by the head of the RSD Unit but no later than 30 days from the initial interview date.

Chapter III. Adjudication of applications for international protection

Article 26. Distribution of cases among RSD specialists

1. Adjudication of applications for international protection shall be conducted by the RSD specialist who is required to:
 - a) have the knowledge of rights and obligations of asylum-seekers and persons under international protection, and asylum procedures;
 - b) know interview techniques;
 - c) Have the ability and skills to identify persons with specific needs and undertake relevant measures;
 - d) Demonstrate the ability for cultural, age and gender sensitivity of asylum-seekers;
 - e) Have adequate skills and techniques for working with persons with specific needs and interpreters;
 - f) Have conflict management skills.
2. The head of RSD Unit shall assign cases to RSD specialists for standard or accelerated procedures.
3. The following factors should be taken into consideration while assigning cases to RSD specialists:
 - a) The specialized knowledge of the RSD specialist on particular types of claims or regions defined under Article 15 of the Law of Georgia on International Protection.
 - b) Wherever possible specific case shall be assigned to the RSD specialist of the same sex as the applicant unless an asylum-seeker requests that his/her case be processed by the RSD specialist of the other sex.
 - c) The same RSD specialist should deal with the cases of different members of the same family or close relatives who may have filed separate applications for international protection.
4. Cases shall be assigned within three working days from the completion of profiling interviews so that the RSD specialist has enough time to do the case preparation.
5. The RSD specialist prepares the list of cases that she/he is assigned to with the indication of the status of the case. The list shall be submitted to the head of the RSD Unit by the end of each month.

Article 27. RSD interview

1. The interview shall serve to determine the status of an asylum-seeker. Interview is conducted with all adult family members of the applicant who reside in Georgia at the time of the interview.
2. Interviews serve to clarify aspects necessary for the assessment of the application for international protection, and include the reasons for departure and non-return to the country of origin as well as any other information relating to the determination of the application for international protection.
3. The asylum-seeker shall be notified about the interview three working days in advance, by sending written notification to the address indicated in his case files. In case the address of applicant is unknown, the notice can be made by phone or other technical means. Competent official contacts the asylum-seeker by sending him notification by telephone or other technical means, the competent official of the Ministry shall record the minutes of such communication and sign it duly. If a competent interpreter is involved during such communication, the interpreter shall also sign the document.
4. An asylum-seeker or his/her family member shall have the right to explain any new information and/or contradiction or discrepancy observed in the course of the interview. An asylum-seeker should also be given an opportunity to provide explanation for any discrepancy existing between facts that she/he provides and other adequate sources of information including information on his/her country of origin.
5. Before conducting the interview with an asylum-seeker the RSD specialist should conduct a thorough review of applicant's file. More specifically, the RSD specialist shall:
 - a) Carefully read application for international protection filed by asylum-seeker and his/her family members and other relevant materials, in order to highlight the relevant material facts and determine the sequence of relevant events;

- b) Review the information provided in travel and other documents, and consider the information which is linked to the application for international protection;
- c) Examine information on the country of origin of an asylum-seeker, including maps of the region referred to in the claim, and ensure that relevant maps are available for the interview, if need be;
- d) Prepare a list of questions for the interview which are critical for adjudication of a claim;
- e) Identify any missing information, as well as unclear or inconsistent facts or statements that need to be clarified with asylum-seeker in the course of the interview.

6. The legal representative/guardian/custodian/support provider of an asylum-seeker shall be allowed to attend the RSD interview provided that she/he is able to present a document confirming his/her authority. The RSD specialist shall inform the legal representative/guardian/custodian/support provider on the following rights and responsibilities:

- a) The right to make submissions at the end of the interview.
- b) Obligation to refrain from interfering in the interview process with the exception of breaches of procedural fairness that could not be adequately addressed or remedied if they were raised in closing submissions.
- c) Inadmissibility of obstructing the interview process. Should the involvement of the legal representative obstruct the interview, the legal representative/guardian/custodian/support provider shall be requested to leave the interview. The decision should be documented by a protocol where the reasons should be indicated. The protocol should be enclosed with the personal file of an asylum-seeker.

7. The RSD specialist shall open the interview following the Annex N13 approved by Article 1(11) of this order.

8. Questioning by the RSD specialist during the interview should facilitate the most complete and accurate account of the facts that are relevant to the application for international protection. The RSD specialist should prefer the use of open-ended questions to permit an asylum-seeker use his/her own words to describe the elements that s/he considers most important. RSD officer should avoid interrupting an asylum-seeker unnecessarily.

9. RSD specialist should encourage an asylum-seeker to describe the events that are relevant to his/her claim for international protection in a chronological order so that RSD specialist fully appreciates the significance of facts presented and identify and address gaps and discrepancies, thereby avoiding the need for complementary interviews. In addition, interviews shall be conducted in full length so that any complementary interview is avoided.

10. Complementary interviews shall be conducted if:

- a) Elements important to the claim for international protection need to be ascertained;
- b) There are new circumstances which were not known to RSD specialist and which need to be further explored;
- c) There is a need to assess the exclusion criteria.

11. RSD specialist shall use the interview to identify any incomplete information and/or inconsistency in facts and/or statements and encourage an asylum-seeker to provide explanation for such inconsistencies or gaps. An asylum-seeker should also be given an opportunity to provide reasons for the failure of providing relevant information or evidence supporting his/her claim. Unless an asylum-seeker is given an opportunity to explain inconsistencies or other less credible information observed during the interview, as well as the inability to provide relevant information or evidence, RSD specialist shall not have the right to make negative credibility finding in the assessment.

Article 28. Interviewing unaccompanied minors

1. Wherever possible, interviews with unaccompanied minors should be carried out by RSD specialists who have special training and knowledge regarding the psychological, emotional and physical development and behavior of minors.

2. Age and skills of the unaccompanied minor, including the stage of development, cognitive and communication skills of the minor should be taken into consideration by RSD specialist at all stages of asylum procedures. While explaining the purpose and procedure of the interview to minor applicants, RSD

specialist should use simple and age-appropriate language. The child should be assured that if s/he does not understand the question or does not know the answer, s/he should say so.

3. Interviews with unaccompanied minors should be conducted in the presence of the legal representative/guardian/custodian/support provider of the minor.

4. Questioning the unaccompanied minor on the material elements of the claim for international protection should be guided by the following considerations:

a) Minor's age and stage of development during the interview as well as at the time of the events relevant to the minor's claim for international protection;

b) The psychological impact the events related to the claim for international protection may have had on the minor;

c) The minor's possibly little knowledge of conditions in the country of origin and their significance for the determination of the status.

5. Where the unaccompanied minor is reluctant to discuss particular facts or events relevant to international protection, it is possible to stop or postpone the interview. In case the interview is stopped, decision regarding the status is made based on the available country of origin information.

6. Interviews with unaccompanied minors should include regular breaks based on specifics of the interview.

Article 30. Recording the interview

1. Interviews shall be recorded both in writing, in a form of transcript, and in a voice recording appliance to ensure the accuracy of interview materials. An asylum-seeker shall be informed on the recording procedure before the commencement of the interview. The instructions for the recording of the interview are as follow:

a) After providing information on audio recording the voice recording appliance is turned on;

b) The time and date of the commencement of the interview shall be pronounced verbally upon the turning on of the recording appliance;

c) Whenever the recording needs to be paused, the reason for the pause and the time shall be pronounced verbally. The time of continuation of the recording shall also be pronounced;

d) The end of the recording and the completion time shall be pronounced verbally;

e) Recording shall be saved on CD in a digital form and kept in an asylum-seeker's personal file.

2. The RSD specialist shall fill out an interview protocol as per Annex N14 of this order to include the following data:

a) Name, surname and date of birth of an asylum-seeker;

b) Name and surname of RSD specialist;

c) Name and surname of an interpreter;

d) In the presence of the legal representative/guardian/custodian/support provider, his/her name and surname;

e) The date and time of an interview;

f) Questions asked by RSD specialist and answers provided by an asylum-seeker;

g) Any notes regarding the behavior and non-verbal communication of an asylum-seeker.

3. In the interview protocol RSD specialist should attempt to record the precise words used by an asylum-seeker and should avoid summarizing the statements.

Article 31. Review of documents during an interview

1. RSD specialist shall examine the original documents presented by an asylum-seeker (whenever available) to ensure that copies in the personal file are identical to the originals.

2. To ensure the authenticity of copies, RSD specialist should check the following characteristics of the documents:

a) Quality and consistency of the paper of the document;

b) The numbering and sequence of pages;

- c) Consistency of photographs and signatures with those of the asylum-seeker;
 - d) Discoloration or smearing around dates or names;
 - e) Smudged, irregular or incorrect stamps;
 - f) Separation of the photograph from the page, or blistering of lamination.
3. Any irregularities in the documents should be raised with an asylum-seeker and he/she should be given an opportunity to provide relevant explanations.
 4. Where it is not possible to verify the authenticity of a document, and there are no grounds to believe that the documents are not authentic, they should generally be accepted.

Article 32. Closing of interview

1. Upon the completion of an interview RSD specialist shall:
 - a) Ensure that an asylum-seeker has been given an opportunity to present all elements relevant to the determination of the status;
 - b) Ask an asylum-seeker whether s/he would like to add anything to the information provided;
 - c) Ensure that full information has been provided with respect to the determination of the status.
 - d) Explain the next steps in asylum procedures including consequences of a positive or negative decision regarding the status determination, right to appeal a negative decision and the appeal procedure as well as the availability of free legal aid.
2. Upon the closure of the interview, the respective protocol shall be signed by an asylum-seeker, the RSD specialist and other persons present at the interview.

Article 33. Researching country of origin information (COI)

1. COI Unit is the body responsible for researching country of origin information.
2. COI Unit, upon the request made by RSD specialist and within its own competences, shall research, collect and provide country of origin information to RSD specialist.
3. COI Unit shall process country of origin information in an objective and impartial manner. COI Unit, shall not be subject to political or other influence by supervising structural units and officials while researching and processing the information and which may compromise the validity and impartiality of information processed by the Unit.
4. COI Unit shall be guided by standard operation procedures as per Annex N15 approved by Article 1(13) of this order.

Article 34. Structure of decisions on granting or rejecting individuals on refugee or humanitarian status

1. Having conducted the thorough examination of the case RSD specialist shall prepare the assessment to either grant or reject an asylum-seeker on refugee or humanitarian status based on the following:
 - a) Application for international protection;
 - b) Profiling interview;
 - c) RSD Interview;
 - d) Documentation presented by an asylum-seeker;
 - e) Information obtained from an asylum-seeker and his/her family members;
 - f) Country of origin information;
 - g) Information obtained from other state structures.
2. written decision prepared by the Division shall be well justified and contain:
 - a) A brief summary of the claim;
 - b) A list of documents presented by an asylum-seeker;
 - c) Assessment of credibility of an information provided by an asylum-seeker, including the consistency with the well known facts and country of origin information;
 - d) Consistency with criteria stipulated under Article 15 (1) of the Law of Georgia on the International Protection with respect to granting the refugee status, including:

- d.a) Establishing links with requirements and conditions stipulated under Article 15 (1) of the Law of Georgia on International Protection;
 - d.b) Establishing the existence of a well-founded fear of persecution, including assessment of subjective and objective elements of fear;
 - d.c) Establishing the existence of persecution;
 - d.d) Identifying agent(s) of persecution;
 - d.e) Identifying agent(s) of protection;
 - d.f) Assessing the possibility of internal flight/relocation;
 - d.g) Assessing the potential use of exclusion criteria;
 - d.h) Assessing the potential use of grounds for rejection on refugee status.
 - e) When an asylum-seeker does not meet the refugee criteria, grounds for granting humanitarian status as per Article 19 (1) of the Law of Georgia on International Protection shall be assessed;
 - e.a) Establish links with Article 32 (3) of the Law of Georgia on International Protection;
 - e.b) Establish the existence of the real risk stipulated under Article 19 (1) of the Law of Georgia on International Protection;
 - e.c) Identify agent(s) inflicting serious harm;
 - e.d) Identify agent(s) of protection;
 - e.e) Assess the possibility of internal flight/relocation alternative;
 - e.f) Assess the potential use of exclusion criteria;
 - e.g) Assess the potential use of grounds for rejection on humanitarian status.
 - f) A recommendation
3. The decision shall be prepared in a sequence outlined in paragraph 2 of this article.
 4. The assessment shall be submitted to the Head of the Department for a final decision.

Article 35. Period for review of application for international protection

1. RSD specialist shall review the application for international protection under regular procedure within 6 months from the day of its registration. The timeframe may be extended for no more than 9 months provided that:
 - a) Complex factual or legal issues are revealed;
 - b) Large number of aliens or stateless persons simultaneously apply for international protection to the Ministry, making it difficult to review the application within 6 months.
2. By way of exception, in duly justified circumstances time limits for consideration of the application for international protection laid down in the sub-paragraphs a and b of paragraph 1 of this article may be extended for no more than three months to ensure adequate and complete consideration of applications for international protection.
3. Review the applications for international protection may be postponed when it is impossible to review it in time limits set in paragraphs 1 and 2 of this article, due to an uncertain situation in the country of origin which is temporary in nature. In such cases the competent official shall:
 - a) Conduct reviews of the situation in that country of origin at least every six months;
 - b) Inform an asylum-seeker within three days after the decision to extend the consideration of application is made, about the reasons for the extension with the use of means given in Article 35(5) of the Law of Georgia on International Protection.
4. Considering paragraphs 2 and 3 of this article, time limit for consideration of an application for international protection should not exceed 21 months from the day it was submitted.
5. If the consideration of the application for international protection is not possible in six months' time limit set in paragraph 1 of this article, the competent official must inform an asylum-seeker in 3 days after the decision to extend the consideration of application is made, about the reasons and time of extension with use of means given in Article 35(5) of the Law of Georgia on International Protection.
7. A decision to extend the period of the review under the regular procedure shall be made by the head of the Department.

8. An application filed by the person under the expulsion procedure shall be processed within one month after its registration.
9. An application for international protection submitted by a person under the extradition procedures shall be processed within one month after the receipt of extradition documentation by the Ministry.
10. Under no circumstances shall the review period for application for international protection be extended in case of circumstances stipulated under paragraph 7 and 8 of this article.
11. The consideration of an application for international protection under the accelerated procedure shall be processed within one month after its registration.
12. If the examination of the application for international protection reveals new circumstances which requires additional scrutiny and therefore, the application cannot be reviewed under the accelerated procedure within the time frame defined under Article 29(8) of the Law of Georgia on International Protection, the regular procedure as per Article 29(1) of the Law of Georgia on International Protection shall apply.

Article 36. Review of applications under accelerated procedure

1. Applications for international protection is examined under the accelerated procedures when it is:
 - a) Manifestly unfounded;
 - b) There is the abuse of asylum system by the applicant through providing the ministry false information.
2. The application for international protection is considered manifestly unfounded when:
 - a) it does not relate to the requirements of Articles 15 and 19 of the Law of Georgia for International Protection;
 - b) Information provided by an asylum-seeker is irrelevant, contradictory and inapplicable for establishing grounds of persecution or a real risk of serious harm;;
 - c) An asylum-seeker attempts to hide information about his/her identity or country of origin;
 - d) An asylum-seeker is not willing to cooperate with the Ministry or provide a detailed information.
3. The head of the RSD Unit shall make a decision on the referral of the application to the accelerated procedure within two working days from the profiling procedure and the receipt of case materials.
4. Wherever there are identified needs for the referral of the application to the accelerated procedure, the head of the RSD Unit shall immediately refer the respective case to the RSD specialist.
5. The accelerated procedure shall include all procedural safeguards applicable to the regular procedure for reviewing applications for international protection.

Article 37. Positive or Negative Decisions on granting refugee or humanitarian status and notification of these Decisions

1. The RSD specialist shall prepare a substantiated decision on granting or rejection of the refugee or humanitarian status, which should be based on the appropriate assessment and signed by the head of the Department.
2. Decisions made with respect to refugee or humanitarian status shall be communicated to an asylum-seeker within three working days (in Georgian and translated in a language that s/he understands). An asylum seeker shall also be provided with information regarding the appeal procedure and free legal aid pursuant to the Law of Georgia on Legal Aid.
3. If an asylum-seeker fails to receive the decision of the Ministry for reasons that s/he is responsible for, the decision will be deemed as communicated since the day the notification of the failure to deliver the decision to the applicant is received by the Ministry.
4. If an asylum-seeker is placed in penitentiary institution by the time the decision is to be handed in, it will be issued to the Ministry of Corrections which will be responsible for handing in the decision to an asylum-seeker.
5. If an asylum-seeker is placed in a detention facility of the Ministry of Internal Affairs of Georgia or in the temporary accommodation center of the Migration Department at the Ministry of Internal Affairs of Georgia, the notification will be issued to the Ministry of Internal Affairs of Georgia to hand in to an asylum-seeker.

6. Any decision made with respect to the application for international protection made by an unaccompanied minor or a person with disability requiring the legal representation, decision on the review of the application shall be issued/submitted to his/her guardian/custodian/support provider.

7. An asylum-seeker shall sign a hand over document in Georgian and in a language that s/he understands.

Article 38. Decision to Extend the Humanitarian Status

1. The humanitarian status shall be granted to aliens and stateless persons for a year and may be subject to multiple extensions by the Ministry provided that circumstances under which the status was granted continue to exist.

2. RSD specialist shall start reviewing the possibility for the extension of humanitarian status no later than one month before the expiration of the period defined under paragraph 1 of this Article.

3. The decision with respect to the extension of humanitarian status shall be made based on material facts and taking into consideration the circumstances existing by the time the decision is made.

4. The RSD specialist shall inform the humanitarian status holder on starting the procedure for reviewing the possibility of extending the status following the rule defined by Article 35(5) of the Law of Georgia on International Protection. Where the notification issued to the address provided by the humanitarian status holder to the Ministry could not be handed in to the humanitarian status holder for reasons that s/he is responsible for, the decision shall be deemed as communicated on the day when the Ministry is informed about the failure to notify.

5. With respect to unaccompanied minors or persons with disabilities requiring a legal representative, the notification stipulated under paragraph 2 of this Article shall be issued/sent to the guardian/custodian/support provider or information regarding the commencement of the procedure for the assessment of the possibility for the extension of the humanitarian status shall be provided by other means as defined by Article 35(5) of the Law of Georgia on International Protection.

6. RSD specialist shall conduct an interview with the humanitarian status holder within ten days from the commencement of the procedure for the assessment of the possibility for status extension, so that the humanitarian status holder is given an opportunity to present materials and information supporting the need for status extension.

7. Interviews stipulated under paragraph 6 of this article shall not be conducted if circumstances based on which the person was granted the humanitarian status, still exist. A decision for the extension of the humanitarian status shall be provided to the humanitarian status holder within three working days (in Georgian and in a language that she/he understands).

8. If the humanitarian status holder cannot be contacted following the rule defined by Article 35(5) of the Law of Georgia on International Protection or s/he failed to show up at the interview, a decision whether or not to extend the humanitarian status shall be made based on the available information.

9. Where the humanitarian status holder fails to attend the interview but contacts the Ministry and presents in person reasonable justification for his/her failure to attend, RSD specialist shall assess the provided justifications and make a decision to annul prior decision made based under paragraph 8 of this Article and schedule a new interview.

10. Where possible, an interview with the humanitarian status holder shall be conducted by the RSD specialist and an interpreter of the same sex unless she/he requests otherwise.

11. Interviews with the humanitarian status holders shall be conducted in presence of their legal representatives/guardians/custodians/support providers where required.

12. The interview shall be recorded both in writing and in a voice recording appliance to ensure the accuracy of interview transcript. Interview transcripts shall be kept in the personal file of the humanitarian status holder.

13. At the interview where the possibility of the extension of the humanitarian status is reviewed, the RSD specialist shall examine information and evidence submitted by the humanitarian status holder with respect to the need for extension.

14. Before the finalization of the decision on extension of humanitarian status, the humanitarian status holder shall enjoy all rights and fulfil all obligations with respect to his/her existing status.

15. A written decision to reject the claims for the extension of the humanitarian status shall be handed in/sent to the humanitarian status holder within three working days (in Georgian and in a language s/he understands). The decision shall contain information on the appeal procedure and the availability of free legal aid as stipulated by the Law of Georgia on Legal Aid.

16. In case the decision stipulated under paragraph 15 of this article is sent to the address provided by the humanitarian status holder to the Ministry and could not be handed in to the humanitarian status holder for reasons that s/he is responsible for, the decision shall be deemed as communicated on the day when the Ministry is informed about the failure to notify.

17. The humanitarian status holder shall confirm the receipt of the Ministry's decision in Georgian and in a language that s/he understands by signing the decision and indicating the date of the receipt.

Chapter IV

Reviewing Claims for International Protection Based on the Right to Family Unity

Article 39. Reviewing the decisions on granting derivative status based on the principle of family unity

1. Having respect to the principle of family unity, accompanying family member(s) of the person under international protection shall be granted the same form of international protection as that of the family member under international protection.

2. In order to initiate the procedures related to granting a family member derivative status, an asylum-seeker or a person under the international protection shall apply in writing to the Ministry.

3. An asylum-seeker or a person under international protection shall enclose all available documentation to the application relating to the family unity, in case of existence of such documents.

4. Every member of the family shall have the right to individual consideration of his/her claim.

5. Where the alien or stateless person who has been granted the refugee, humanitarian status or temporary protection, or whose humanitarian status or temporary protection has been extended, it shall apply to the derivative status of family members, it applies to the representative/guardian/custodian/support provider of an unaccompanied minor as well, except for cases and circumstances outlined in Articles 17 and 18 of the Law of Georgia on International Protection.

6. The following members of the family of a person under international protection shall be eligible to request the derivative status:

a) Spouse or a partner in an unregistered marriage;

b) Their underage children born in or out of wedlock and minors adopted based on the legislation of the country of origin;

c) Mother, father or a legal representative (guardian) of a person under international protection appointed in accordance with the laws or common practice of a country of origin;

d) Parents of applicants or his/her spouse, and unmarried adult dependent children;

e) Or support recipient(s).

7. The right of the asylum-seeker's family member to obtain the derivative status based on the family unity principle, may be established in the course of asylum procedures, as well as separately, after an asylum-seeker is granted international protection.

8. Interviews with respect to the derivative status shall be conducted with all adult family members of an asylum-seeker or a person under international protection.

9. RSD specialist shall examine available documents and circumstances submitted for the purposes of the asylum procedure to assess the nature of a family relationship.

10. At the interview of the applicants requesting derivative status, where available originals or best available copies of all documents proving family links shall be presented (e.g. marriage certificate, a birth certificate etc.).

11. When the family members are not able to provide supporting documentation, RSD specialist shall ask questions to the family members regarding the family composition, the living conditions in the country of origin and during their stay in Georgia. Questions should examine:

- a) The nature and duration of the relationship;
- b) Any financial, legal, or social responsibilities assumed by the family members towards each other.

12. A respective protocol of the interview with persons seeking derivative status shall be compiled by RSD specialist to be enclosed within the personal file of an asylum-seeker or a person under international protection.

13. Whereby the person under international protection applies to the Ministry in writing requesting the derivative status for his/her family member, RSD specialist shall process matters related to granting of the status within the period of one month.

Article 40. Family Reunification

1. For the purposes of initiating the family reunification procedure a person under international protection shall submit a written request to the Ministry.

2. After granting the status relevant to the international protection to the unaccompanied minor as per the Law of Georgia on International Protection and following the rule set out by this order, RSD specialist with due consideration of the best interest of a child shall immediately initiate the family reunification procedure based upon a consent of the guardian/custodian/support provider and the minor.

3. A request for the family reunification shall be supported by all available documentation confirming the family relationship.

4. In order to establish family relationship, RSD specialist shall examine the request for family reunification together with all evidence attached to the request within the period of one month.

5. Where necessary RSD specialist based on a written referral by the head of the Department shall start family tracing of a person under international protection in cooperation with the International Committee of Red Cross.

6. When family relationship is established, the head of the Department, whenever necessary, applies to the Ministry of Foreign Affairs with a request to reach out and issue visas for family members of a person under international protection.

7. Based on the family unity principle the family members of a person under international protection shall enjoy the same protection as the family member under international protection.

8. The family reunification request may be rejected under circumstances set out by Article 17(1)b, and Article 18(1) of the Law of Georgia on International Protection.

Chapter V.

Suspension, Discontinuation and Re-opening of Review of Applications for International Protection.

Subsequent applications for International Protection

Article 41. Suspension, discontinuation and reopening of review of applications for international protection

1. The competent official suspends the review of the application for international protection if it is impossible to contact an asylum-seeker pursuant to rules set out in Article 35(5) of the Law of Georgia on International Protection, and she/he has not crossed the state border of Georgia. In this cases the examination of the application for international protection shall be suspended for 6 months. The competent official shall prepare a draft on the suspension and submit to the head of the Department for the final decision.

2. The competent official shall discontinue the examination of the applications for international protection if an asylum-seeker:

- a) Explicitly withdraws his/her application for international protection as specified in Article 41 of the Law of Georgia on International Protection;
 - b) Refuses to cooperate with the Ministry;
 - c) Fails to appear for a profiling or personal interview twice, and the failure to appear is not justified;
 - d) Has left the territory of Georgia or changed the place of residence without contacting the Ministry within three months;
 - e) Refuses to undergo fingerprinting registration;
 - f) is deceased;
 - g) Fails to approach the Ministry within the timeframes set by the first paragraph.
3. Under circumstances stipulated under paragraph 2 (e) of this Article, the review of the application for international protection submitted by the person with mental disorder shall not be suspended.
4. Under circumstances stipulated under paragraph 2(a) of this Article, an asylum-seeker shall be informed on possible consequences of the withdrawal of the application for international protection as per Annex N 8 defined by Article 1(7) of this order to be signed by the asylum-seeker.
5. After the review of the application for international protection has been suspended or terminated, an asylum-seeker shall be given an opportunity to provide explanations for the failure to appear at the interview. If such explanation is considered reasonable, an asylum-seeker shall have an opportunity to have his/her application re-opened.
6. Decisions to suspend, discontinue or re-open processing of the application shall be made by the head of the Department based on a report prepared by the competent official.

Article 42. Subsequent application for International Protection

1. The alien or the stateless person whose refugee or humanitarian status has been revoked or discontinued or in case the status determination procedure in Georgia has been completed, may submit a subsequent application for international protection if:
- a) Changed circumstances in the country of origin give raise to a protection need;
 - b) There are new circumstances which were not reviewed during initial consideration of the application for international protection arise and that were not presented for reasons beyond the control of an asylum-seeker.
2. RSD specialist carries out the preliminary examination of subsequent application for international protection, examines explanations presented by an asylum-seeker and explores new circumstances in order to prevent the breach of fundamental principles of human rights enshrined in international law and the principle of *non-refoulement* by sending an asylum-seeker back to his/her country of origin or former habitual residence.
3. In case of new circumstances, RSD Specialist initiates the procedure for granting the refugee or humanitarian status following the respective procedure.
4. RSD specialist shall assess subsequent application for international protection and make decisions in a prioritized manner.
5. In case it is determined that subsequent application does not contain the circumstances listed in paragraph 1 of this article, a decision on refusal to access the application will be made without further examination of the case. The decision to do so shall be made by the head of the Department based on a report prepared by the competent official.
6. In light of circumstances specified under paragraph 1 of this article and in case of subsequent applications for international protection, an asylum-seeker shall indicate grounds for re-application as per Annex N 16 approved by Article 1(14) of this order.

Chapter VI. Cessation, Cancellation and Revocation of Refugee or Humanitarian Status or Temporary Protection

Article 43. Grounds for cessation of refugee status

1. Refugee status shall be ceased if a person:

- a) Has been granted citizenship of Georgia;
- b) Has voluntarily re-availed himself of the protection of the country of origin;
- c) Having lost his nationality, has voluntarily re-acquired it;
- d) Has acquired a new nationality, and enjoys the protection of the country of his new nationality
- e) Has voluntarily re-established himself or herself in the country which he left or outside of which he remained owing to fear of persecution;
- f) S/he can no longer refuse to avail himself of the protection of the country of origin, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist;
- g) Applies with a personal statement to the Ministry for ceasing the refugee status;
- h) Cannot be contacted in accordance with Article 35(5) of the Law of Georgia on International Protection and has crossed the state border of Georgia;
- i) Is deceased.

2. Subparagraph f of this article does not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of his/her country of origin.

3. In circumstances specified under subparagraph “h” of this article, refugee status will be ceased in one year, after the expiration of residence permit. The decision shall be made by the head of the Department based on a report prepared by the competent official.

4. In circumstances specified under subparagraph “g” of this article, the refugee shall apply to the Ministry with a request to cease the refugee status as per Annex N17 Request for the Cessation of the Refugee Status, approved by Article 1(15) of this order.

5. Cessation of a refugee status is the ground for cancellation of the temporary residence permit and travel document which was granted to a person.

Article 44. Grounds for cessation of humanitarian status or temporary protection

1. Humanitarian status or temporary protection shall be ceased if a person:

- a) Has been granted citizenship of Georgia or permanent residence;
- b) Has acquired a new nationality, and enjoys the protection of the country of his new nationality;
- c) Has voluntarily re-established himself in the country which he left or outside of which he remained owing to fear of danger;
- d) He or she can no longer, because the circumstances in connection with which s/he has been granted a humanitarian status or temporary protection have ceased to exist, continue to refuse to avail himself of the protection of the country of origin;
- e) Has been granted a refugee status;
- f) Applies with a personal statement to the Ministry for ceasing the refugee status;
- g) Cannot be contacted in accordance with Article 35(5) of the Law of Georgia on International Protection and has crossed the state border of Georgia;
- h) Has passed away.

2. Subparagraph “d” of this article does not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of origin.

3. In circumstances specified under subparagraph “g” of this article, humanitarian or temporary protection status will be ceased six months after the expiration of a residence permit. A respective decision shall be made by the head of the Department based on a report to be prepared by the competent official.

4. In circumstances specified under subparagraph “f” of this article, the humanitarian or temporary protection status holder applies in writing to the Ministry requesting the cessation of the humanitarian status as per Annex N18 Request for Humanitarian Status Cessation Form approved by Article 1(15) of this order or as per Annex N19 Request for Cessation of Temporary Protection Status Form.

5. Cessation of a humanitarian or temporary protection status is the ground for cancelation of the residence permit and travel passport for humanitarian status and the ground for cancelation of temporary residence permit for persons under temporary protection.

Article 45. Grounds for cancelation and revocation of international protection

1. International protection shall be canceled if there are serious reasons to believe that the initial decision on granting the relevant form of international protection pursuant to Articles 15, 19 or 21 was incorrect as a result of substantial fraud because:

- a) The individual misrepresented or concealed material facts;
- b) New evidence arises revealing that the person ought not to have been provided international protection;
- c) The person was not in need of international protection because he was recognized by the competent authorities of another country, in which s/he has taken residence, as having the rights and obligations attached to the possession of nationality of that country;
- d) The person was not in need of international protection or there were serious reasons for considering that the person had committed acts falling within the scope of Article 18 of the Law of Georgia on International Protection.

2. International protection may be revoked if after being granted protection, the person was convicted for a serious or particularly serious crime, constitutes a danger to the society of Georgia, or there are reasonable grounds to consider that the person represents a threat to state security, territorial integrity or public order in Georgia.

3. Cancelation or revocation of the international protection to a person is a ground for cancelation of the temporary residence permit and travel document/travel passport which was granted to him/her.

Article 46. Cessation, cancellation and revocation procedure for persons under international protection

1. The cessation, cancellation or revocation procedure international protection shall be initiated by the RSD specialist.

2. The RSD specialist shall inform the person under international protection about the initiation of procedures for the cessation, cancellation or revocation in the language they understands pursuant to the rule defined by Article 35(5) of the Law of Georgia on International Protection. Where the notification on the commencement of the procedure is to be sent to the address provided to the Ministry by the person under international protection, the procedure shall be deemed as initiated from the day the notification was handed in to the status holder. Where it is not possible to hand in the notification to the person for reasons that she/he is responsible for, the notification shall be deemed as delivered from the day on which the Ministry receives the notification of non-delivery.

3. With respect to the unaccompanied minor or person with disability requiring a legal representative, a notification stipulated by paragraph 2 of this article shall be issued/sent to a guardian/custodian/support provider, or shall be notified on the commencement of the procedure for the cessation, cancellation or revocation of the status by other means as defined by Article 35(5) of the Law of Georgia on International Protection.

4. The RSD specialist shall arrange an individual interviews with each adult person under international protection within one month after the initiation of the cessation, cancellation or revocation procedure to give them opportunity to provide information and explain or challenge the facts upon which the cessation, cancellation or revocation procedure has been initiated, or raise other information regarding the continued need for international protection.

5. If a persons has been duly notified about the cessation, cancellation or revocation procedure pursuant to the Article 35 (5) of the Law of Georgia on international Protection, but does not attend the interview, a determination of appropriateness of cessation, cancellation or revocation of international protection may be made on the basis of the available information.

6. When the person with international protection contacts or appears at the Ministry and demonstrates that his/her failure to attend at the interview was due to circumstances for good reason, the head of the

Department, having examined the explanations and based on a report prepared by the competent official shall make a decision to invalidate the decision made under paragraph 5 of this Article and appoint a new interview.

7. Where possible, cessation, cancellation or revocation interviews with persons under international protection shall be conducted by the RSD specialist and interpreted of the same sex unless requested otherwise.

8. Where required, cessation, cancellation or revocation interviews with persons under international protection shall be conducted in the presence of their legal representative/guardian/custodian/support provider.

9. Interviews shall be recorded in writing in an interview note and with use of audio recording to ensure the accuracy of interview materials. The competent official shall maintain the interview materials in the personal file of the person under international protection.

10. During the cessation, cancellation or revocation interview, competent official shall assess the irrefutable information collected by him or her, which justifies the legality of cessation, cancellation or revocation of the status granted to a person. Competent official shall also assess the evidence and information provided by the person under international protection.

11. A person under international protection shall benefit from all rights in accordance with their status until the finalization of the cessation, cancellation or revocation procedure.

Article 47. Decision on cessation, cancellation or revocation of international protection

1. The competent official shall notify the person with international protection in writing (in Georgian and in a language they understand) and provide reasons supporting the cessation, cancellation or revocation decision within three working days, with an indication of available free legal aid stipulated by the Law of Georgia on Legal Aid as well as the appeal procedure defined by the Georgian legislation.

2. A decision to cease, cancel or revoke the international protection shall be made by the head of the department based on a report prepared by the competent official.

3. If the decision stipulated under paragraph 1 of this article has been sent to the address provided to the Ministry by the person under international protection and it is not possible to hand in the decision to the person for reasons that she/he is responsible for, the decision shall be deemed as delivered from the day on which the Ministry receives the notification of the failure of handing in the decision to the person.

4. The person under international protection shall sign a handover protocol, both in Georgian and in a language that s/he understands, concerning the decision made by the Ministry with an indication of the date of the handover.

Article 48. Cessation, cancellation or revocation of the derivative status

1. Cessation, cancellation and revocation of international protection may result in cessation, cancellation and revocation of the derivative status of family member(s) except for cases whereby the family member(s) meet(s) the criteria for granting the status stipulate by Articles 15 or 19 of the Law of Georgia on International Protection. The RSD specialist shall process the cessation, cancellation or revocation of the derivative status of family members individually and pursuant to the procedure for cessation, cancellation and revocation of international protection.

2. The RSD specialist shall notify persons defined under paragraph 1 of this article on the decision to cease, cancel or revoke their derivative status and explain that such a decision shall not deprive them from the right to request international protection as per the rule established by the Law of Georgia on International Protection.

Chapter VII.

The Rule for Notifying Decisions of the Ministry to respective State Agencies

Article 49. Notification of the decision stipulated by the asylum procedure to the relevant state agencies

1. The decision to grant or reject an asylum-seeker on refugee or humanitarian status shall be submitted to the authorized structural unit at the Ministry of Internal Affairs of Georgia for subsequent follow up actions as set out by the Georgian legislation.

2. A final decision of the court on the rejection of an asylum-seeker on refugee or humanitarian status or cessation, cancellation or revocation of international protection to the person under international protection subject to extradition shall be sent to the Chief Prosecutor's Office of Georgia for relevant follow up as set out by the Georgian legislation.

3. A final decision of the court on the rejection of an asylum-seeker on refugee or humanitarian status or cessation, cancellation or revocation of international protection to the person under international protection shall be sent to the LEPL Public Service Development Agency, so that the Agency cancels temporary identification document, temporary residence permit and travel document/travel passports issued to an asylum-seeker or the person under international protection.

Chapter VIII.

Granting of International Protection and Effective Management of Applications during Mass Influx

Article 50. Granting of international protection to and registration of refugees based on *prima facie* basis during mass influx

1. In case of mass influx of people meeting criteria specified in Article 15(1) of the Law of Georgia on International Protection, the Ministry shall make a decision to recognize refugees on a group basis (*prima facie*) considering their overall situation in their country of origin.

2. While assessing the overall situation in the country of origin, the Ministry examines the existence of such actions carried out against a group of people which contain the signs of persecution as defined by Article 15(1) of the Law of Georgia on International Protection.

3. In the case stipulated by paragraph 1 of this article, the Minister shall immediately issue an administrative-legal act to set up a commission for the purpose of registering people who have entered the country by collecting the following information:

- a) Name and surname
- b) The date and place of birth;
- c) Sex
- d) Nationality
- e) Country of origin;
- f) Grounds for persecution;
- g) Factual address of residence in the country of origin;
- h) Factual address of residence in Georgia;
- i) Religion;
- j) Native language/any other languages s/he can comprehend;
- k) Where available, information on identification documents;
- l) Information on his/her work experience;
- m) Military service;
- n) Information on his/her participation in military activities;
- o) Information on previous criminal record, imprisonment, detention and whether or not s/he has ever been fugitive or being wanted;
- p) Health condition
- q) Information on family members.

4. Where it becomes challenging or impossible to resolve an issue under the Commission's competence because of the lack of relevant information or a document, the Commission shall have the right to approach other authorized state bodies and agencies, as well as international organizations in order to obtain such material. The Commission may also invite representatives of these state bodies and agencies, and international organizations to participate in the Commission's activities.

5. The timeframe for prima facie recognition is one month with the possibility to extend the period for no more than two more months.
6. Where there are no identification documents available or there are reasons to question the authenticity of documents presented, the Commission set up under paragraph 3 of this article shall be responsible for establishing the person's identity.
7. Adults who have entered Georgia under circumstances defined in paragraph 1 of this article, shall present a personal identification document which indicates the permanent residence address. In the absence of such documents and where available, the person shall present an identification document issued by an authorized agency on the territory of the country of his/her origin.
8. Where possible, birth certificates shall be presented with respect to minors who have entered Georgia under circumstances defined in paragraph 1 of this article.
9. After the registration of persons during mass influx, the competent official shall provide them with a decision made by the Commission confirming the granting of the refugee status based on *Prima facie* basis and allowing them to stay legally on the territory of Georgia.

Article 51. Grounds and procedures for granting temporary protection

1. Based on Article 21 of the Law of Georgia on International Protection, the Ministry registers persons who arrive in Georgia in the event of mass influx and makes a decision to grant the members temporary protection if they are in need of international protection and are unable to return to the country of origin on accounts of indiscriminate violence, aggression, international or internal armed conflicts or mass violation of human rights.
2. In cases stipulated under paragraph 1 of this article, the Minister shall immediately issue an administrative-legal act to set up a commission for the purpose of registering people who have entered the country. For registration purposes following information is collected:
 - a) Name and surname
 - b) The date and place of birth;
 - c) Sex
 - d) Nationality
 - e) Country of origin;
 - f) Grounds for persecution;
 - g) Factual address of residence in the country of origin;
 - h) Factual address of residence in Georgia;
 - i) Religion;
 - j) Native language/any other languages s/he can comprehend
 - k) Where available, information on identification documents;
 - l) Information on work experience; m) Military service;
 - n) Information on his/her participation in military activities;
 - o) Information on previous criminal record, imprisonment, detention and whether or not s/he has ever been fugitive or being wanted;
 - p) Health condition
 - q) Information on family members.
3. Where it becomes challenging or impossible to resolve an issue under the Commission's competence because of the lack of relevant information or a document, the Commission shall have the right to approach the authorized state bodies and agencies, as well as international organizations in order to obtain such material. The Commission may also invite representatives of these state bodies and agencies, and international organizations to participate in the Commission's activities.
4. The timeframe for granting temporary protection shall be determined one month with the possibility to extend this period for no more than two more months.
5. An identification document presented by the person (where possible) or information collected in the course of the registration based on paragraph 2 of this article shall serve as grounds for granting temporary protection.

6. Where there are no identification documents available or there are reasons to question the authenticity of documents presented, the Commission set up under paragraph 2 of this article shall be responsible for establishing the person's identity.
7. Adults who have entered Georgia under circumstances defined in Paragraph 1 of this article, shall present a personal identification document which indicates the permanent residence address. In the absence of such documents and where available, the person shall present an identification document issued by an authorized agency on the territory of the country of his/her origin.
8. Where possible, birth certificates shall be presented with respect to minors who have entered Georgia under circumstances defined in Paragraph 1 of this article.
9. After the registration of persons during mass influx, the authorized official shall provide them with a decision made by the Commission confirming the granting of temporary protection and allowing them to stay legally on the territory of Georgia.
10. The person under temporary protection shall be eligible to apply to the Ministry only for the refugee status in case of existence of circumstances specified in Article 15 of the Law of Georgia on International Protection.
11. If the case stipulated under paragraph 10 of this article arise, the application for international protection shall be reviewed as per the rule defined by this procedure.
12. Temporary protection shall be granted for one year. Where the reasons for which temporary protection was granted persist, the duration of temporary protection can be extended with the decision of the Ministry, for the same time repeatedly if the grounds for granting such status still exist.

Article 52. Effective management of applications during mass influx

Where the Ministry has to deal with a large number of applications filed by asylum-seekers and in order to ensure the effective management of applications for international protection, a commission shall be immediately set up upon an individual administrative act of the Minister. The Commission shall be tasked to:

- a) Assess risks;
- b) Organize applications for international protection according to geographical locations, profiles, quantity and make a decision on the development of relevant guiding principles based on the assessment of country of origin information;
- c) Determine the need for additional human and financial resources.