

# **LAW OF GEORGIA ON INTERNALLY DISPLACED PERSONS**

**Last amended 9 June 2006**

The Law of Georgia on Internally Displaced Persons is based on the Constitution and internationally recognised principles of international law, determines the legal status of internally displaced person – IDP, grounds and rules for recognition as IDP, granting, suspension, termination and deprivation of IDP status, legal, economic and social guarantees of IDP, as well as his rights and obligations.

## **Article 1 – Term IDP**

Internally displaced person – IDP is a citizen of Georgia or stateless person permanently residing in Georgia, who was forced to leave his place of permanent residency and seek asylum within the territory of Georgia due to the threat to his life, health and freedom or life, health and freedom of his family members, as a result of aggression of a foreign state, internal conflict or mass violation of human rights or as a result of events determined by the paragraph 11 of article 2 of this Law.

## **Article 1<sup>1</sup> – Interpretation of terms**

The terms used in this law shall have the following meaning:

- a) The Ministry – The Ministry of Refugees and Accommodation of Georgia;
- b) Territorial body – Territorial body within the composition of the Ministry of Refugees and Accommodation of Georgia;
- c) IDP card – a document issued by the Ministry of Refugees and Accommodation of Georgia certifying the recognition of a person as IDP and granting of IDP status;
- d) Person seeking IDP status – a person who applied to the Ministry to request IDP status and to whom there is a well-founded ground to consider as IDP according to the article 1 of this Law;
- e) IDPs permanent place of residence – a place of IDPs' residence from where he was forced to flee and where he is unable to return owing to the reasons specified in the article 1 of this Law;
- f) IDPs temporary place of residence (place of IDPs registration) – a place of residence of IDP throughout his displacement or a place where he was temporarily accommodated;
- g) Special social assistance – amount of money specified by the Georgian legislation to be paid due to the social-economic condition of the IDP family;

h) One-time financial allowance – amount of money specified by the Georgian legislation to be paid to vulnerable IDP according to the established procedures based on his application.

i) Place of IDPs compact settlement – temporary place of IDPs residence where IDPs were accommodated in an organised manner.

j) IDP registration exercise – procedure of registration of IDPs and of the issuance of the IDP cards within the specific timeframe announced by the Ministry.

k) IDP verification exercise – procedure of verifying IDPs personal (identification) data by the Ministry.

## **Article 2. Rules of recognition as IDP and granting of IDP status**

1. A person, who owing to the reasons enumerated in article 1 of this Law, is forced to flee his place of permanent residence, shall approach the Ministry or its territorial body for recognition as IDP and granting him IDP status.

2. Territorial body shall, within 5 days from the date of receipt, forward the individual application to the Ministry regarding his recognition as IDP and granting of IDP status.

3. If a person, owing to the reasons enumerated in article 1 of this Law, was forced to leave the territory of Georgia, may approach diplomatic representation or consulate of Georgia.

4. A person may be registered as seeking IDP status if there is a well-founded ground to believe that a person may be considered as IDP on the basis of article 1 of this Law.

5. The Ministry shall, within 10 days from the date of the receipt of individual application, reach a decision on registration of a person as seeking IDP status or on denial of his registration.

6. A person registered as seeking IDP status shall be issued a notice of a person seeking IDP status.

7. The decision on recognition of an individual as seeking IDP status or on granting IDP status as well as on denial of IDP status and recognition as IDP shall be reached by the Ministry within one month from the date of the receipt of individual application.

8. A person recognised as IDP shall be issued with IDP card and a questionnaire shall be filled for him. The format of IDP card and questionnaire shall be adopted by the Ministry.

9. In case of mass displacement of population as a result of events specified in article 1 of this Law, IDP status shall be granted immediately.

10. Notice of a person seeking IDP status and IDP card are valid together with personal identification card (ID).

11. In case of marriage of IDP a person's IDP status shall be retained. If both or one of the parents to a child is IDP, a child may be granted IDP status based on consent of the parents.

12. Denial of registration of a person seeking IDP status and granting IDP status by the Ministry shall be appealed before the court within one month from the date of receipt of the negative decision as provided by the Georgian legislation.

13. The procedures of recognition as IDP and of granting IDP status, as well as of registration shall be determined under this Law and in accordance with rules established by the Ministry.

### **Article 3. Rights and obligations of person seeking IDP status**

1. Para removed<sup>1</sup>

2. Para removed<sup>2</sup>

3. According to the norms and rules established by the legislation of Georgia, a person seeking IDP status shall have the right to:

- a) reside at a temporary place of residence;
- b) enjoy free utilities at place of compact settlement;
- c) receive other types of assistance;

4. A person seeking IDP status shall:

- a) upon request, provide the Ministry with necessary data and information for consideration of his case in accordance with the established rule;
- b) undergo medical check-up upon the request of the healthcare institutions.

5. Para removed<sup>3</sup>.

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<sup>1</sup> Para 1, art 3 original version reads as follows: "Persons who apply for recognition as IDP according to article 2 of this Law shall be given a notice mentioning his place of temporary residence. They may also choose a place of temporary residence with their relatives or friends in any region of Georgia."

<sup>2</sup> Para 2, art 3 original version reads as follows: "A person who has fled the conflict recently and has received the mentioned notice enjoys the right to one-way travel to the place of his temporary residence and carry his assets in public transport free of charge".

## **Article 4. Rules of recognition as IDP**

Article removed<sup>4</sup>.

## **Article 5. Guarantees of IDPs rights at their places of temporary residence**

1. IDP receives a monthly allowance.

1<sup>1</sup>. IDP is entitled to receive special social and other assistance according to the rules established by the legislation of Georgia.

2. The exercise of IDPs rights at their place of temporary residence is guaranteed by the Ministry of Refugees and Accommodation together with other executive authorities and relevant local self government bodies, who shall:

- a) assist in temporary employment according to the profession and qualification;
- b) issue allowances and other assistance according to the legislation of Georgia within their competence;
- c) State shall cover the expenses borne by the vulnerable IDPs in medical institutions according to the state standards and the established tariffs;
- d) guarantee a constitutional right of IDPs to education and free study in the public secondary educational institutions;
- e) settle the issues of retirement allowances to IDPs;
- f) help IDPs in solving their social and living problems;
- g) guarantee temporary residence and food assistance within the established norms in Georgia;
- h) agricultural land plots temporarily allocated to IDPs for cultivation shall be exempt from the land taxes;
- i) engage in search operations of graves of the dead and of the missing IDPs in the region as a result of mass human rights violations;
- j) assist IDPs in returning to the place of permanent residence once the reasons set forth in article 1 of this Law cease to exist;

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<sup>3</sup> Para 5, art 3, original version reads as follows: “In case of negative decision of the Ministry of Refugees and Accommodation on the registration as IDP, he may appeal to the court within one month from the date of refusal”.

<sup>4</sup> Original text of article 4 reads as follows:

### **“Article 4. The procedure for recognition a person as IDP**

1. The decision on recognition of a person as IDP shall be reached by the Ministry of Refugees and Accommodation within the period of one month.
2. A person recognised as IDP shall be given a notice, the format of which is established by the Ministry of Refugees and Accommodation.
3. The data on the minor family members of IDPs shall be inserted in the passport of one of the parents.
4. Refusal of the Ministry of Refugees and Accommodation on the status of IDP may be referred to the court according to the legislation of Georgia.
5. Until the trial, a person who applied for IDP status, shall enjoy the rights and obligations set forth in the article 3 of this Law.”

- k) guarantee place of temporary residence and emergency aid within the territory of Georgia;
  - l) in case of death of IDP, bear the burial expenses from the local budget in the area of IDP's place of temporary settlement.
3. State shall secure IDPs space of temporary residence. The Ministry shall accommodate IDPs through State bodies and bodies of local self-government (administration) within the limits of space allocated for IDPs temporarily.
4. Housing disputes shall be settled through the court procedure. Therefore, before the restoration of Georgia's jurisdiction on the respective part of the territory of Georgia, IDPs shall not be expelled from their places of temporary residence unless:
- a) a written agreement has been reached with IDP;
  - b) respective space of residence is allocated where IDPs living conditions may be worsening;
  - c) force major or other catastrophes take place, which entails specific compensation and is regulated according to the general rules;
  - d) space is occupied illegally in violation of the law.
5. The grounds for the termination of the monthly allowances are:
- a) Voluntary receipt of the special social assistance by the families below the poverty line;
  - b) Termination of the IDP status;
  - c) Written refusal of an IDP to receive an assistance.
6. Allowance shall be reinstated in case of circumstances of article 5 paragraph 5 is exhausted, on the basis of the personal application and submitting the necessary documentation.

**Article 5<sup>1</sup> – Grounds of suspension of the monthly allowance:**

1. The grounds of suspension of the monthly allowance are:
- a) Leave the territory of Georgia more than two months;
  - b) Suspension of the IDP status;
2. Allowance is reinstated in case of circumstances as of paragraph 1 is exhausted, on the basis of the personal application and submitting the necessary documentation.

**Article 5<sup>2</sup> – Obligations of IDP**

IDP is obliged to:

- a) Inform the Ministry of changing his temporary place of residence within the period of one month;
- b) Undergo registration within the timeframe announced by the Ministry in advance.
- c) Inform the Ministry in advance in case of the leaving the territory of Georgia for more than two months;
- d) Inform the ministry within the period of ten days in case of securing employment.

## **Article 6 – Suspension, loss and deprivation of IDP status**

Grounds of suspension, termination, deprivation and reinstating of IDP status

1. IDP status may be suspended if a person:
  - a) failed to undergo registration according to this law within the timeframe announced by the Ministry;
  - b) accuracy of supporting documents for granting of IDP status shall be established;
  - c) has registered in several regions simultaneously.
2. IDP status shall be reinstated if the grounds for its suspension cease to exist.
3. IDP status shall be terminated if:
  - a) a status is terminated at IDPs personal application;
  - b) grounds under the article 1 of this law cease to exist at a place of IDPs permanent place of residence and the Georgian jurisdiction is restored on the respective part of the territory of Georgia;
  - c) obtained citizenship of another country;
  - d) left the territory of Georgia for permanent residence;
  - e) court recognised him missing or dead;
  - f) died.
4. A person shall be deprived of IDP status if he obtained it through presenting forged documents and information or in violation of the requirements of this law.
5. The decisions on suspension, termination, deprivation and reinstating of IDP status shall be reached by the Ministry.
6. Any disputes arising from the suspension, termination, deprivation and reinstating of IDP status shall be decided by the court.
7. IDP status of a person may be reinstated if a court annulled decision thereof as set forth in the paragraph 3, sub-paragraph “e” of this article.

## **Article 7. State guarantees for rehabilitation of displaced persons at places of their permanent residence**

1. If IDP after elimination of the reasons enumerated in article 1 of this law returns to his place of permanent residence:

- a) the relevant bodies of executive authorities and local self-government, including the Ministry of Refugees and Accommodation shall secure the exercise of their constitutional rights, shall create necessary social-economic living conditions for the safety at their places of permanent residence; to return to displaced persons their legal heritage, the personal assets, including house and the land in the present condition; the compensation of damage, after estimation of its amount, shall be processed by the local self-government bodies according to the rules established by the government, and to guarantee the return and rehabilitation of the damaged apartment to a citizen.
- b) The amount of damage and the rules of payment of compensations shall be established by the relevant bodies of the executive authorities.
- c) Para removed.
- d) Para removed.

#### **Article 8. Organising the IDP assistance**

The issues of settlement, registration, social and other assistance shall be settled by the Ministry within its competence together with relevant executive and local self-government bodies.

#### **Article 9. Guarantees of IDPs rights**

1. The rights of IDPs is protected by the State.
2. Any illegal action of the authorities may be appealed to the higher authorities or to the court according to the legislation.
3. Any IDP, if termination of his employment record is connected to his displacement, shall retain employment record irrespective of his current employment status.

#### **Article 10. Financial resources for IDP assistance**

1. Under this law, financial expenses to IDPs shall be borne by the State and local budgets.
2. Additional financial sources are reserve budget funds, donations from private individuals or legal entities and financial assistance rendered by other governments and international organizations.

## **Article 11. Responsibilities for violation of this law**

The violation of the Law of Georgia on IDPs is punishable according to the legislation of Georgia.

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***As amended:***

**09.06.2006 – amendment - #3289-Is**

*“Amendments to the Law of Georgia on Internally Displaced Persons”.*

**06.04.2005 – amendment - # 1235 – Is**

*“Amendments to the Law of Georgia on Internally Displaced Persons”.*

**18.12.2001 – amendment - #1199 – Is**

*Law of Georgia on amendments to the “Law of Georgia on Internally Displaced Persons”.*