

Questions:

1. Please provide information on any recently adopted domestic legislation amending border entry, asylum and other international protection procedures for non-nationals since May 2021. Grateful if you could kindly submit the original text of the relevant provisions of the legislation or policy(ies), accompanied by an English translation if it is in a language other than English, French or Spanish.

n/a

2. Please provide information on recent or current border management legislation/policies/measures, (Including those temporary measures as part of a state of emergency), with the view to control, reduce or prevent migrant arrivals in your country.

As the new human rights challenges for migrants that were observed as part of coronavirus (COVID-19) preventive measures, were that the Government of Georgia had made a decision to impose restrictions on the entry of foreign nationals from March 2020. Though these restrictions were applied to any foreign national except Individuals who have been granted the status of a stateless person and refugee status in Georgia together with special categories of foreigners.¹ However, these exemptions don't include migrants with temporary or permanent resident permits in the country, so it caused problems for some migrants and reduced or prevented migrants' arrivals in the country during this period.

Pursuant to the latest changes, all restrictions on state borders have been removed, however, there are pushbacks mainly at international airports.

3. Please provide information on how the “safe third country” concept is applied and if there is any “safe third country” list in your country with the view to expedite border immigration and asylum procedures, as well as on any bilateral and multilateral agreement on collective/automatic re-admission of migrants of specific nationalities.

There is no official list of the “safe third country” envisaged by the Georgian legislation. All asylum applications are examined individually through assessment of Country Origin Information (COI).

According to article 26 of the Law of Georgia on International Protection², about main procedural standards, application for international protection is examined in an expedite manner only in cases when it is obviously unsubstantiated or manifestly unfounded; there is the abuse of the asylum system by the applicant through providing the ministry false information. In turn, the application is considered manifestly unfounded, when it does not relate to the requirements of granting refugee or humanitarian statuses (article 15 and 19 of

¹ <https://matsne.gov.ge/en/document/view/4821121?publication=34>

² <https://matsne.gov.ge/en/document/view/3452780?publication=4>

this law); information provided by the asylum seeker is inapplicable, contradictory, or irrelevant for establishing the alleged grounds of persecution; the applicant hides the information about her/his identity and/or country of origin; and d) the applicant is not willing to cooperate with the Ministry³ or provide detailed information.

4. Please provide information on any progress made in developing independent border monitoring mechanism(s) at the national level.

The Office of the Public Defender of Georgia (PDO)⁴ is the only institution conducting monitoring of state borders throughout Georgia including international airports in Tbilisi, Kutaisi, and Batumi. The aim of such monitoring visits is to monitor the human rights situation of migrants at borders and examine possible violations of their rights during pushbacks and study reasons for such acts. In order to avoid violation of non-refoulement and non-penalization of illegal entry, regular ad hoc monitoring visits are conducted by the representatives of the Public Defender of Georgia. Within the PDO methodology has been developed especially for border monitoring. The document includes a questionnaire that covers not only asylum-related issues but questions around staff, gender-responsive approaches, the infrastructure of the border, etc.

³ The Ministry of the Internal Affairs of Georgia

⁴ The Office of the Public Defender of Georgia is a constitutional institution (with A status, meaning full compliance of the institution with the UN Paris Principles) which supervises protection of human rights and freedoms within its jurisdiction on the territory of Georgia.