

**ON THE REPATRIATION OF PERSONS INVOLUNTARILY DISPLACED BY THE FORMER USSR FROM THE GEORGIAN SSR
(THE SOVIET SOCIALIST REPUBLIC OF GEORGIA) IN THE 1940's**

Article 1 - Purpose of the Law

The purpose of this Law is the creation of legal mechanisms for the return of persons and their descendants who were involuntarily displaced by the former USSR from the Georgian SSR in the 1940's. The repatriation system established by this Law is based on the restoration of historical justice, the principles of dignified and voluntary return, and envisages gradual repatriation.

Article 2 - Definitions of terms

For the purposes of this Law, the terms used herein have the following meanings:

- a) involuntarily displaced person - a person who was involuntarily displaced from the Georgian SSR to other republics of the USSR in the 1940's on the basis of the ordinance of the State Defence Committee of the USSR No 6279 cc of 31 July 1944;
- b) seeker of the status of a repatriate - a person who has been registered as a seeker of the status of a repatriate in the manner established by this Law;
- c) repatriate - a person who has acquired the status of a repatriate in the manner established by this Law;
- d) representative office - a diplomatic or other properly authorised institution of Georgia abroad;
- e) representative - an authorised person who coordinates the repatriation process abroad;
- f) Ministry - the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia;
- g) defect – an inconsistency in the submitted documents with the form required by this Law, or the absence of a duly certified translation of any document listed in Article 4(2) of this Law.

Law of Georgia No 2204 of 1 December 2009 - LHG I, No 42, 10.12.2009, Art. 311

Article 3 - Persons eligible to submit applications to acquire the status of a repatriate

1. The persons eligible to submit appropriate applications to acquire the status of a repatriate in the manner established by this Law are involuntarily displaced persons and their direct descendants.
2. The spouses and/or minor children of persons referred to in paragraph 1 of this article may submit appropriate applications to acquire the status of a repatriate in the manner established by this Law only where a person referred to in paragraph 1 of this article has submitted an application to acquire the status of a repatriate and in the case of such a person's consent to the application of their spouse and/or minor children.

Article 4 - Application to acquire the status of a repatriate

1. In order to acquire the status of a repatriate, the persons referred to in Article 3 of this Law shall submit an application to acquire the status of a repatriate to:
 - a) the Ministry, if the person permanently lives in Georgia on a legal basis;
 - b) the representative office in the territory of the country where the person is a citizen, or where he/she lives permanently on a legal basis;
 - c) the nearest representative office, if there is no representative office in the country where the person is a citizen, or where he/she lives permanently on a legal basis;
2. Together with the application to acquire the status of a repatriate, the following documents shall be submitted:
 - a) a document(s) certifying involuntary displacement;
 - b) valid documents certifying the citizenship or permanent residence of a person, as well as the identity documents established by the legislation of the country where the person is a citizen, or where he/she lives permanently on a legal basis;
 - c) a birth certificate;
 - d) a certificate of the place of residence;
 - e) a certificate of conviction ;
 - f) documents certifying marital status and/or kinship relationship (including a marriage certificate, divorce certificate, and a birth certificate of a child);



g) (deleted – 1.12.2009, 2204);

h) a personal history, in which an applicant, together with the personal information, shall indicate what languages he/she speaks, and his/her citizenship;

i) in the case determined by Article 3(2) of this Law, the application of an involuntarily displaced person or his/her direct descendant to acquire the status of a repatriate, as well as a document certifying the consent of a person as specified in Article 3(1) of this Law to the submission by his/her spouse and/or minor children of an application to acquire the status of a repatriate;

j) information on financial and property status.

3. An applicant, if desired, may enclose other documents to an application to acquire the status of a repatriate, which support him/her in the processes of repatriation, adaptation and integration.

4. The documents determined by paragraphs 2 and 3 of this article shall be submitted either in Georgian or in English. If a document is drawn up in another language, a duly certified translation into Georgian or English shall be submitted together therewith.

5. An applicant may transfer the duly certified copies of documents referred to in paragraphs 1 and 2 of this article to the Ministry or the representative office. Copies of documents shall be certified in accordance with the legislation of the country where an application to acquire the status of a repatriate is submitted, or where the applicant lives.

6. In the case of the failure to obtain any of the documents referred to in paragraph 2 of this article, the applicant shall provide a justified statement to the effect that the failure to submit the document was due to objective reasons that were beyond his/her control.

7. The application to acquire the status of a repatriate as provided for by this article shall be submitted not later than 1 July 2009.

Law of Georgia No 886 of 26 December 2008 – LHG I, No 40, 29.12.2008, Art. 290

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Article 5 - Registration of an application to acquire the status of a repatriate

1. An application submitted as provided for by this Law for acquiring the status of a repatriate shall be duly registered, and a registration number shall be given.

2. When submitting an application to acquire the status of a repatriate, in the case of the verification of the absence of a defect after the inspection of the application and the enclosed documents, the applicant shall be registered as a seeker of the status of a repatriate.

3. When submitting an application to acquire the status of a repatriate, in the case of finding a defect in the application and/or in the enclosed documents, the Ministry or the representative office shall notify the applicant thereof in order to have such defect rectified within the period of four months.

4. If the applicant fails to submit the application and/or documents referred to in Article 4 of this Law without any defect within the period of four months, the application shall be dismissed and the documents that have been already submitted shall be returned to the applicant.

5. In the case of the lapse of the time limit determined by this Law for the rectification of the defect, the applicant may re-submit the application to acquire the status of a repatriate in the manner established by Article 4 of this Law, not later than 1 July 2009.

Law of Georgia No 886 of 26 December 2008 – LHG I, No 40, 29.12.2008, Art. 290

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Article 6 - Review of applications to acquire the status of a repatriate submitted by the seekers of the status of a repatriate

1. A representative shall forward an application to acquire the status of a repatriate, the enclosed documents and other materials of the seeker of the status of a repatriate to the Ministry, where the mentioned applications of the seekers of the status of a repatriate shall be registered in the unified database.

2. The review of applications to acquire the status of a repatriate of the seekers of the status of a repatriate shall commence from 1 January 2010.

3. The Ministry shall review the applications of each seeker of the status of a repatriate separately, and at the same time, by taking into account the principle of the unity of a family, it shall review applications of the family members jointly.

4. The Ministry shall register the documents and forward them to the State Security Service of Georgia for examination, and where necessary, it shall also forward the documents to other agencies, which, within their scope of authority, shall issue a properly substantiated opinion with regard to the reasonableness to grant the status of a repatriate to the seeker of the status of a repatriate.

Law of Georgia No 886 of 26 December 2008 – LHG I, No 40, 29.12.2008, Art. 290

Law of Georgia No 1538 of 17 July 2009 – LHG I, No 21, 3.8.2009, Art. 122

Law of Georgia No 3966 of 8 July 2015 – website, 15.7.2015



Article 7 - Additional procedures for the review of applications to acquire the status of a repatriate by the seekers of the status of a repatriate

1. The Government of Georgia shall be authorised to establish additional requirements related to the review of granting the status of a repatriate.
2. For the purposes of resolving matters related to the review of granting the status of a repatriate, interview procedures may be determined, as well as the necessity of passing different types of tests that are related to the civil integration of a person.
3. When resolving matters related to granting the status of a repatriate, priority shall be given to the knowledge of the Georgian language.
4. If, during the analysis of the documents submitted by the seeker of the status of a repatriate, or during the performance of respective procedures determined by this article, it is revealed that the person has intentionally submitted false information, the application of such person shall not be reviewed.
5. The requirements of the General Administrative Code of Georgia shall not apply to the procedures determined by this Law that are related to the review of applications of seekers of the status of a repatriate.

Article 8 - Granting of the status of a repatriate

1. After requesting information from the respective agencies and following the analysis of such information, as well as by taking into consideration the consequences of undergoing the procedures determined on the basis of Article 7 of this Law, the Ministry shall prepare an opinion on granting or refusing to grant the status of a repatriate, on the basis of which the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia shall issue an order on granting or refusing to grant the status of a repatriate.
2. Within 20 days after issuing the order of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia referred to in paragraph 1 of this article, a seeker of the status of a repatriate shall be notified on the grant or refusal to grant the status of a repatriate.
3. Article 177 and paragraph 3 of Article 178 of the General Administrative Code of Georgia shall not apply to the administrative legal act on granting or refusing to grant the status of a repatriate.
4. In the case of granting the status of a repatriate, within one month the relevant document certifying the status of a repatriate shall be handed over to the repatriate.

Article 9 - Granting of the citizenship of Georgia on the basis of the status of a repatriate

1. The status of a repatriate shall enable a repatriate to take citizenship of Georgia in accordance with Article 14(2) of the Organic Law of Georgia on Georgian Citizenship.
2. In the case of granting the status of a repatriate, a repatriate shall, one month before he/she leaves for Georgia, submit to the representative office a document containing information on their health status in the form determined by the Government of Georgia.
3. (Deleted – 1.12.2009, No 2204)

Law of Georgia No 2204 of 1 December 2009 - LHG I, No 42, 10.12.2009, Art. 311

Law of Georgia No 2321 of 30 April 2014 - website, 13.5.2014

Article 10 - Suspension and termination of the status of a repatriate

1. In the case of committing a crime after granting the status of a repatriate, the status of a repatriate may be suspended for the repatriate until a resolution to terminate the proceedings is adopted by the investigative bodies, or a court order of acquittal enters into force.
2. The status of a repatriate may be terminated:
 - a) on the basis of the repatriate's own application;
 - b) in the case of acquiring the citizenship of Georgia or of a foreign state;
 - c) (deleted - 1.12.2009, №2204);
 - c¹) in the case of the violation of time limits determined by the ordinance adopted on the basis of Article 11(1) of this Law;
 - c²) in the case of the refusal to grant the citizenship of Georgia in accordance with the Regulation approved by the Decree of the President of Georgia;
 - d) if, after granting the status of a repatriate, such circumstances come to light that serve as an impediment to granting such status;
 - e) if, after granting the status of a repatriate, it comes to light that false or incomplete information for acquiring the status of a repatriate was submitted by a person;



f) if a judgement of conviction against a repatriate enters into force;

g) where a court declares a repatriate as missing or dead;

h) in the case of the death of a repatriate.

3. The Ministry shall make the decision to suspend or terminate the status of a repatriate.

Law of Georgia No 2204 of 1 December 2009 - LHG I, No 42, 10.12.2009, Art. 311

Law of Georgia No 3071 of 4 May 2010 - LHG I, No 25, 17.5.2010, Art. 172

Law of Georgia No 2321 of 30 April 2014 - website, 13.5.2014

Article 11 - Measures to be taken in connection with the entry of this Law into force

1. The Government of Georgia shall, before 1 April 2010, adopt the Ordinance on the Simplified Procedures for Granting the Citizenship of Georgia to Persons Holding the Status of a Repatriate, based on which a person holding the status of a repatriate shall not be deemed as a stateless person. The preparation of the Draft Ordinance shall be ensured by the Ministry of Justice of Georgia.

2. For the purposes of this Law, the Government of Georgia shall ensure the determination of the form of documents containing information on financial and property status before 1 January 2008.

3. For the purposes of this Law, the Government of Georgia shall ensure the determination of the form of documents containing information on health status before 1 January 2008.

4. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia shall ensure the implementation of measures necessary for organising the procedures for receiving applications to acquire the status of a repatriate and for the formation of a unified database.

Law of Georgia No 2204 of 1 December 2009 - LHG I, No 42, 10.12.2009, Art. 311

Article 11¹ - Transitional provision

The time limits established by Articles 4(7) and 5(5) of this Law shall be determined as of 1 January 2010.

Law of Georgia No 1538 of 17 July 2009 – LHG I, No 21, 3.8.2009, Art. 122

Law of Georgia No 2204 of 1 December 2009 - LHG I, No 42, 10.12.2009, Art. 311

Article 12 - Entry into force of the Law

1. This Law, except for Articles 1-10 and Article 11 (1), shall enter into force upon its promulgation.

2. Articles 1-10 and Article 11(1) of this Law shall enter into force from 1 January 2008.

President of Georgia

M. Saakashvili

Tbilisi

11 July 2007

No 5261–

