

Law on the rules and procedures for Georgian citizens exiting and entering Georgia

(19.12.2008 N 804, in force since 1 February 2009)

Chapter I. General provisions

Article 1. Purpose *(19.12.2008 N 804, in force since 1 February 2009)*

1. This Law is enacted in order to give effect, in line with universally recognized principles of international law, to the right of Georgian citizens to leave the country and freely return to it, determine rules and procedures for Georgian citizens exiting and entering Georgia and regulate other related aspects.
2. This Law is not concerned with rules and procedures for Georgian citizens traveling on diplomatic or service trips or issuance of passports to them for the same purpose.

Article 2. Legal framework on Georgian citizens exiting and entering Georgia *(19.12.2008 N 804, in force since 1 February 2009)*

1. Legal framework on Georgian citizens exiting and entering Georgia includes the Georgian Constitution, this Law, and other laws and bylaws of Georgia.
2. If an international treaty that Georgia is a party to establishes rules that are different from those of this Law, the international treaty shall prevail.

Article 3. Georgian citizens exiting or entering Georgia on a permanent or temporary basis *(19.12.2008 N 804, in force since 1 February 2009)*

1. Georgian citizens have the right to emigrate from Georgia, i.e. depart for another country on a permanent basis with the aim to settle there (hereinafter, "emigration"); also, they have the right to temporarily exit and enter Georgia.
2. This right may not be restricted except in the events prescribed by Georgian law.

Article 4. The right of Georgian citizens to take their property abroad *(19.12.2008 N 804, in force since 1 February 2009)*

A Georgian citizen exiting Georgia on a permanent or temporary basis has the right to take abroad any property they own as proprietors or have received it for physical possession and/or use, unless this is illegal under the Georgian law.

Chapter II. Documents required for temporarily exiting and entering Georgia

Article 5. A Georgian passport *(28.12.2005, #2630)*

1. A citizen of Georgia temporarily exiting and entering Georgia must have a Georgian passport, a Return Document or other travel documents replacing a passport that must be issued in accordance with rules established by Georgian law.
2. *Removed (21.03.2008, #5975)*
3. A [Georgian] passport is property of Georgia.
4. It is allowed to issue travel documents other than a passport in accordance with Georgia's international treaties and agreements.
5. A return document is issued according to rules established by the Georgian Government in order to allow Georgian citizens abroad, and other persons who Georgia undertook under international treaties and agreements to admit, to return to Georgia. *(20.09.2013, #1152, comes into force once a President of Georgia elected in the October 2013 Election takes an oath)*

6. Rules and procedures of executing and issuing Georgian passports are determined by Georgian law.

Article 6. Removed (21.03.2008, #5975)

Article 7. Removed (21.03.2008, #5975)

Article 8. Juveniles and support-receivers temporarily exiting Georgia (20.03.2015, #3396, comes into force on 1 April 2015)

1. Children under 16 may temporarily exit Georgia with the consent of one of their legal representatives; they must be accompanied by a person with full age and full legal capacity.
2. Support-receivers may temporarily exit Georgia with the written consent of their support-givers, unless it is otherwise instructed in the court decision.
3. Juveniles aged between 16 and 18 who are not formally married may temporarily exit Georgia with the consent of one of their legal representatives.
4. If a juvenile temporarily exiting Georgia is not accompanied by his/her legal representative, he/she will be issued a passport at the request of his/her legal representatives.
5. For issuing a Georgian passport, it is sufficient for one his/her legal representatives to express their consent in the presence of an Agency's authorized official or a consular officer or produce a notary-verified written consent or to express their consent through an electronic means of communication in front of an Agency's authorized official only if: *(4.03.2016, #4844, comes into force on the 15th day after publishing)*
 - a) the juvenile has attained the age of 16;
 - b) the juvenile has only one legal representative;
 - c) the second legal representative has been found a support-receiver by court;
 - d) the second legal representative has been found permanently missing or declared dead by the court;
 - e) the second legal representative's parental rights have been deprived, suspended or sequestered by a final decision of the court;
 - f) the second legal representative is wanted under the rules of the Georgian Criminal Procedure Code;
 - g) the second legal representative is unable to express their will because of serious illness, which is confirmed through a appropriate certificate;
 - h) whereabouts of the second legal representative are unknown and all reasonable means of determining their location have been exhausted;
 - i) the juvenile's temporary departure from Georgia is necessitated by medical treatment or the need for exercising his/her rights and freedoms but the second representative's whereabouts are unknown or the second representative is not consenting to issuance of a Georgian passport to the juvenile contrary to the juvenile's best interest.
1. If legal representatives cannot agree between each other on the juvenile's temporary departure from Georgia, the dispute will be resolved in court.
2. If a support-giver does not consent to a support receiver's temporary exit from Georgia, the support-receiver may apply to court for having the dispute resolved.

Article 8¹. Exiting from Georgia of children born as a result of extra-corporeal fertilization (surrogacy) (4.03.2016, #4844, comes into force on the 15th day after publishing)

1. Children born as a result of extra-corporeal fertilization (surrogacy) may exit Georgia only if both parents are indicated in the birth record performed by the Agency.
2. Rules and procedures for children born as a result of extra-corporeal fertilization (surrogacy) exiting Georgia are determined in a joint ministerial order of the Minister of Justice and the Minister of Internal Affairs.

Article 9. Timeframe of examining applications for issuing Georgian passports to citizens temporarily

[exiting Georgia](#) (4.03.2016, #4844, comes into force on the 15th day after publishing)

Applications for issuing Georgian passports to citizens temporarily exiting Georgia will be examined in 10 days after all necessary documents have been submitted (except in the event described in Article 20²(2¹) of the Rules and Procedures for Registration of Georgian Citizens and Foreigners Residing in Georgia and Issuance of Identity Cards (Residence Cards) and Georgian Passports) or in 3 days if a Georgian citizen is exiting for the reasons of medical treatment or participation in a litigation abroad.

[Article 10. Reasons for imposing restrictions on the right to temporarily exit Georgia](#) (28.12.2005, #2630)

A Georgian citizen may be denied to be issued a Georgian passport or have the validity term of their Georgian passport extended for the purposes of temporarily exiting Georgia if

- a) he/she is wanted by Georgian law enforcement bodies;
- b) he/she has submitted false or invalid documents;
- c) *Removed* (21.03.2008, #5975)

[Article 11.](#) *Removed* (28.12.2005, #2630)

[Article 12.](#) *Removed* (21.03.2008, #5975)

[Article 13.](#) *Removed* (21.03.2008, #5975)

[Article 14.](#) *Removed* (21.03.2008, #5975)

[Article 15. Documents required for crossing the Georgian border on exit](#)

1. Georgian citizens crossing the Georgian border on exit must go through a passport control and the date of crossing the border must be put in their passport or a replacement travel document.
2. When exiting Georgia on a temporary basis, citizens will be allowed to cross the border if they possess a visa to enter the country of destination.
3. It is allowed to exit Georgia on a temporary basis without a visa if this is envisaged by a Georgia's international treaty.

[Article 16. Entry into Georgia](#)

Georgian citizens have the right to enter Georgia any time, without any need for permission do so.

Chapter III. Special cases of exiting Georgia

[Article 17. Restricting exit from Georgia with a view to ensuring safety of Georgian citizens](#)

(20.09.2013, #1152, comes into force once a President of Georgia elected in the October 2013 Election takes an oath)

If there is an emergency in a foreign country, the Georgian Government is authorized to deny its citizens the right to depart for that country for a specific term for the purposes of ensuring their safety. Government resolutions imposing such restrictions must be published.

[Article 18. Members of armed forces exiting Georgia](#)

1. Georgian citizens temporarily away from Georgia who are obligated to do their termed true military service must immediately arrive in Georgia to fulfill their duty after they receive a conscription notice. Military service members and commissioned officers employed by armed forces traveling abroad on their personal business must do so on the basis of permission issued by the Cabinet of Ministers according to the established rules.
2. If a state of war, a war or an emergency is declared in Georgia, the Georgian Government may prohibit persons subject to conscription, reservists and military service members from exiting Georgia. (20.09.2013, #1152, comes into force once a President of Georgia elected in the October 2013 Election takes an oath)
3. Government resolutions imposing such restrictions must be published. (20.09.2013, #1152,

comes into force once a President of Georgia elected in the October 2013 Election takes an oath)

Chapter IV. Examining and deciding emigration matters

(19.12.2008, #804, in force since 1 February 2009)

Article 19. Emigration document *(19.12.2008, #804, in force since 1 February 2009)*

Georgian citizens must use their Georgian passports for emigration. It is allowed to issue a replacement document instead of a passport in accordance with Georgia's international treaties.

Article 20. Application for emigration clearance *(19.12.2008, #804, in force since 1 February 2009)*

1. An application for emigration clearance may be lodged by a Georgian citizen of full age.
2. An interested person must lodge an application for emigration clearance with the Agency. *(4.03.2016, #4844, comes into force on the 15th day after publishing)*
 - 2¹. An application for emigration clearance may be lodged either in a paper format or electronically. *(4.03.2016, #4844, comes into force on the 15th day after publishing)*
 - 2². If an application for emigration clearance is submitted through a representative, the power of attorney may be verified through the procedure indicated in paragraphs 2³-2⁵ of this Article. *(15.12. 2010, #4050, comes into force on 3 January 2011)*
 - 2³. An electronic application will be accepted if the electronic communication allows for establishing direct visual contact between the applicant and the official authorized to accept applications and provided that the applicant can be identified and his/her identity be verified against the information in the Agency's electronic database. *(15.12. 2010, #4050, comes into force on 3 January 2011)*
 - 2⁴. Where there is a reasonable doubt about the applicant's identity, an authorized official may refuse to accept an electronic application. *(15.12. 2010, #4050, comes into force on 3 January 2011)*
 - 2⁵. The Agency will store a record of the visual communication held with the applicant. *(15.12. 2010, #4050, comes into force on 3 January 2011)*
3. An application must indicate all the data included in a Georgian passport. The following should be appended to an application:
 - a) A copy of the Georgian passport; *(15.12. 2010, #4050, comes into force on 3 January 2011)*
 - b) For persons aged between 18 and 27, a copy of military ID certificate or a certificate confirming draft postponement or release from draft or military duty; *(6.07.2010, #3356)*
 - c) Two photographs sized 3x4;
 - d) Receipt confirming payment of the fee for service. *(15.12.2009, #2320)*
4. If emigration clearance is requested for a juvenile, an application for clearance must be accompanied with documents listed in points (a), (c) and (d) of paragraph 3 above, a copy of the juvenile's birth certificate and a document of consent envisaged in Article 23(1) of this Law. If a birth certificate has been issued in a foreign country, it must be legalized in a due manner or certified with an apostille, unless Georgia's international treaties or agreements envisage otherwise. *(15.12. 2010, #4050, comes into force on 3 January 2011)*
5. A juvenile may be issued emigration clearance on the basis of his/her legal representative's consent verified by a notary public or through the procedure indicated in paragraphs 2³-2⁵ of this Article. *(20.03.2015, #3396, comes into force on 1 April 2015)*
 - 5¹. A support-receiver may be issued emigration clearance on the basis of his/her support-giver's consent verified by a notary public or through the procedure indicated in paragraphs 2³-2⁵ of this Article, unless otherwise instructed in the court judgment. *(20.03.2015, #3396, comes into force on 1 April 2015)*
6. Having lodged an application for emigration clearance and supporting documents electronically, an interested person must then submit hardcopy versions of the consent document referred to in Article 23(1) of this Law, a foreign State-issued copy of birth certificate that has been duly legalized or certified with apostille and a copy of military ID certificate or a certificate confirming draft postponement or release from draft or military duty. *(15.12. 2010, #4050, comes*

into force on 3 January 2011)

7. A foreign State-issued birth certificate that has been duly legalized or certified with apostille can be accepted without having to submit its original copy if it is possible to check validity of legalization or apostille in a relevant electronic registry or by other means. (15.12. 2010, #4050, comes into force on 3 January 2011)

8. If an applicant fails to submit documents referred to in paragraph 6 of this Article, the Agency will, 5 days prior to expiry of the deadline for examining the application, determine a timeframe for the applicant to submit the documents. This timeframe must not be less than 5 days. Period of examination is considered suspended until the documents are submitted. (15.12. 2010, #4050, comes into force on 3 January 2011)

9. If hardcopy versions of the documents referred to in paragraph 6 of this Article are not submitted in determined timeframe, the Agency may decide not to examine the application. (15.12. 2010, #4050, comes into force on 3 January 2011)

10. If the applicant is no longer interested in getting emigrating clearance, he/she may request the Agency, at any stage of administrative proceedings, to terminate the proceedings in regard to his/her application. (24.06.2011, #4938)

Article 21. Examining an application for emigration clearance (19.12.2008 N 804, in force since 1 February 2009)

1. An application for emigration clearance will be examined in one month after necessary documents have been submitted.

2. The Agency will issue emigration clearance according to rules established by this Law. It will put a stamp in the Georgian's citizen's passport with the text "permanent exit" with an indication of date of issue of the clearance, which must be confirmed with the Agency's seal and an authorized official's signature.

3. *Removed* (24.06.2011, #4938)

4. If an emigrating citizen of Georgia replaces his/her Georgian passport, the Agency will, in 10 days after the citizen submits emigration clearance and an application, issue a relevant act and put a stamp indicated in paragraph 2 above with the relevant text into the citizen's new passport.

5. Administrative decisions on issuing emigration clearance will be communicated to interested parties by means of electronic means of communication. (24.06.2011, #4938)

Article 22. Reasons for denying emigration clearance (19.12.2008 N 804, in force since 1 February 2009)

1. An interested person may be denied emigration clearance and/or crossing the Georgian State border if:

a) he/she is being prosecuted;

b) he/she has not served his/her court-imposed sentence;

c) he/she is subject to draft on account of age but has not fulfilled their military duty, unless they have been exempted from the duty in accordance with the rules established by law;

d) On account of the nature of his/her work, they have knowledge of State or military secrets and the legal period of his/her separation from work has not extinguished yet. This period must not exceed 5 years anyway;

e) He/she provides false documents in support of his/her request for emigration clearance.

2. In 2 days after receiving an interested person's application, the Agency will turn to State authorities, natural persons and legal entities for ascertaining whether the circumstances indicated in paragraph 1 above exist. These State authorities, natural persons and legal entities are obliged to furnish the Agency with the requested information or documents in 5 days after they receive the Agency's inquiry. If the 5 days are insufficient for providing the information or documents, the recipient State authorities, natural persons and legal entities must inform the Agency thereon in writing which after they will be granted additional 2 days to perform the request.

3. If the State authorities, natural persons and legal entities do not submit the requested

information and documents to the Agency in the timeframes indicated in paragraph 2 above, the Agency must complete examination within the legally established term.

4. A decision denying a citizen emigration clearance must be communicated to the citizen in writing immediately.

Article 22¹. Revocation of emigration clearance (6.07.2010, #3356)

Emigration clearance may be revoked based on the interested person's request or by the Agency *ex officio* if determined that the interested person has produced a false document for obtaining emigration clearance.

Article 23. Emigrating juveniles (19.12.2008 N 804, in force since 1 February 2009)

1. A juvenile aged under 18 can emigrate if accompanied by his/her legal representative, while if he/she is traveling to his/her legal representative abroad and has the legal representative's consent thereto, he/she must be accompanied with a person of full age and legal capacity.

2. If legal representatives cannot agree between each other on the juvenile's emigration, the dispute will be resolved in court.

Article 24. Emigrating support-receivers (20.03.2015, #3396, comes into force on 1 April 2015)

A support receiver may not emigrate without their support-giver's consent, unless otherwise instructed by a court in its judgment.

Article 25. Documents required for crossing the Georgian State Border (19.12.2008 N 804, in force since 1 February 2009)

1. On crossing the Georgian State Border, Georgian citizens must fill out a migrant's card and go through passport control. The date of crossing the State border is put in a passport or a replacement document.

2. In order to cross the State border, a Georgian citizen crossing the State border must possess an entry visa of the country of his/her destination.

Article 26. Challenging a denial of emigration clearance or a denial to cross the Georgian State Border (19.12.2008 N 804, in force since 1 February 2009)

An interested person who has been denied to be issued emigration permission or denied to cross the Georgian State Border has the right to challenge these decisions in the court according to rules established by Georgian law.

Article 27. Emigration statistics (19.12.2008 N 804, in force since 1 February 2009)

The Ministry of Justice is responsible for keeping emigration statistics.

Article 28. Legal regulation in the transitional period of persons who have been found legally incapable by the court before 1 April 2015 (20.03.2015, #3396, comes into force on 1 April 2015)

1. A person who had been found legally incapable by the court before 1 April 2015 but has not been individually evaluated, may temporarily exit Georgia with the consent of one of his/her legal representatives provided that he/she is accompanied by a person of full age.

2. If a person who had been found legally incapable by the court before 1 April 2015 but has not been individually evaluated is not accompanied by his/her legal representatives when temporarily exiting Georgia, he/she will be issued a passport at the request of his/her legal representatives.

3. Except in the events described in Article 8(5) of this Law, consent issued by one of the legal representatives and verified by a notary public is sufficient if the second legal representative had been found legally incapable by the court before 1 April 2015 and he/she has not been individually evaluated.

4. If legal representatives cannot agree between each other on temporary departure from Georgia of a person who had been found legally incapable by the court before 1 April 2015 but has

not been individually evaluated, the dispute will be resolved in court.

5. A person who had been found legally incapable by the court before 1 April 2015 but has not been individually evaluated will be issued emigration clearance on the basis of his/her legal representative's notary-verified consent or consent expressed according to paragraphs 2³-2⁵ of Article 20 of this Law.

6. A person who had been found legally incapable by the court before 1 April 2015 but has not been individually evaluated may not emigrate unless his/her legal representative has consented to emigration and he/she is accompanied by a person of full age.

Eduard Shevardnadze
Head of State

Vakhtang Goguadze
Speaker of the Parliament

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354