**ORDER #588**

**of the Minister of Internal Affairs of Georgia**

**August 6, 2014**

**Tbilisi**

**On Approval of the Regulations of the Migration Department of the Ministry of Internal Affairs of Georgia**

In view of the II paragraph of the Article 18 of the Law of Georgia “on the Structure, Proxy and Activity Rule of the Government of Georgia” and the sub-clauses “a”, “m” and “u.a” of the II paragraph of the Article 5 of the Regulations approved by the Decree #337 of December 13, 2013 of the Government of Georgia “on approval of the Regulations of the Ministry of Internal Affairs of Georgia” I

**Hereby Order:**

**Article 1.**

Approve the attached version of the Regulations of the Migration Department of the Ministry of Internal Affairs of Georgia.

**Article 2.**

1. The Order, except the sub clauses “a” and “d” of the Article 5, sub-clauses “q-w” of the Article 9 and sub-clause “p” of the Article 11 of the Regulation approved by the present Order, shall be effective immediately upon its signature.
2. The sub clauses “a” and “d” of the Article 5, sub-clauses “q-w” of the Article 9 and sub-clause “p” of the Article 11 of the Regulation approved by the present Order, shall be effective from September 1, 2014.

**Aleksandre Chikaidze**

**Minister of Internal Affairs**

**Regulations of the Migration Department of the Ministry of Internal Affairs of Georgia**

**Chapter I**

**General Provisions**

**Article 1. Competence of the Migration Department**

The Migration Department (hereinafter referred to as the “Department”) of the Ministry of Internal Affairs of Georgia (hereinafter referred to as the “Ministry”) is a structural subunit of the Ministry fulfilling the tasks charged to it under the legislation.

**Article 2**. **Legal Basis of the Activity of the Department**

The Legal Basis of the Activity of the Department are: the Constitution, the International Legal Acts, the Code of Administrative Offences, the General Administrative Code of Georgia, the Administrative Procedure Code of Georgia, Georgian laws on "State Secrets", "on Police", “on the Legal Status of Aliens and Stateless Persons”, normative acts of the President and the Government of Georgia, the Orders of the Minister of Internal Affairs of Georgia, the Orders of the Director of the Department, the present Regulation and other legal acts.

**Article 3. Principles of Activity of the Department**

The activities of the Department are based on the principles of rule of law, human rights and freedoms, honor and dignity, social justice, humanism and transparency.

**Article 4. Local and International Cooperation Field of the Department**

1. The Department cooperates with the relevant units of the Ministry, the relevant State agencies of Georgia, transport companies, diplomatic representations/organizations and other state agencies of foreign country, international and non-governmental organizations.
2. The Department is authorized to request information on any issue within its competence from the State Agencies of Georgia, as well as to exchange information with the state agencies of foreign country.

**Article 41. Seal and Letterhead of the Department** (21.10.2014 #815)

The Department has its own seal and letterhead with the State emblem of Georgia, the name of the Department and the address.

**Chapter II**

**Activities and Objectives of the Department**

**Article 5. Activities and Objectives of the Department**

The field of activities and main objectives of the Department shall be:

1. detection and identification of aliens without legal grounds within its competence;
2. removal from Georgia aliens staying in Georgia without legal grounds according to the rule envisaged by the legislation;
3. cooperation and coordination with the relevant State agencies of Georgia, transport companies, diplomatic representations/organizations and other state agencies of foreign country, international and non-governmental organizations within its competence;
4. conduction of relevant measures with the purpose of implementation of the Agreement concluded by Georgia on Readmission of individuals residing without permission;
5. process and analyze statistic data, development of the projects of legal acts and preparation of relevant proposals for perfection of the legal base;
6. in case of necessity shall provide legal consultations to aliens staying in Georgia without legal basis;
7. monitoring of aliens placed in the temporary placement center with the purpose of realization of their legal rights;
8. management of the temporary placement center and conduction of relevant measures;
9. transportation/transfer of an alien staying in Georgia without legal grounds from the temporary placement center or temporary placement isolator;
10. implementation of duties within its competence as well as obligations envisaged by the Law of Georgian “on the Legal Status of Aliens and Stateless Persons” and other relevant legal acts.

**Chapter III**

**Leaders of the Department**

**Article 6. Director of the Department**

1. The Department shall be led by the Director of the Department (hereinafter referred to as the “Director”) who shall be appointed and dismissed from his/her position by the Minister of Internal Affairs of Georgia (hereinafter referred to as the “Director”).
2. The Director shall:
3. lead and conduct the activities of the Administration and settle issues which belong to the competence of the Department;
4. represent the Department or authorize relevant individual for representing the Department if it is not envisaged otherwise by the legislation;
5. submit for approval to the Minister the proposals concerning the structure of the Department and staff list;
6. be responsible for fulfillment of the Constitution of Georgia, the International legal Acts, the legislative Acts and By-laws of Georgia in the fields which belong to the competence of the Department;
7. issue individual administrative-legal acts within its competence;
8. ensure smooth and coordinated work of the Department with other units of the Ministry;
9. prepare proposals to be discussed on the operative meetings of the Ministry;
10. review and approve working plans of the subordinated units;
11. within the scope of his/her competence apply incentives and disciplinary actions towards the employees;
12. in case of state of emergency or martial law ensure preparedness activity of the personnel of the Department;
13. implement other powers charged to him/her by the legislation.

**Article 7. Deputy Director/Directors**

1. The Director shall have one or several Deputies.
2. The Deputy Director shall lead structural units of the Department under his/her supervision.
3. In case of absence of the Director, according to his/her instruction, the duties of the Director shall be carried out by his/her Deputy.

**Chapter IV**

**Structure of the Department**

**Article 8. Structural Units of the Department**

The Structural Units of the Department are:

1. Division Combating Illegal Migration;
2. Legal Maintenance Division;
3. Temporary Placement Center (Division);
4. Organizational Unit.

**Article 9. Division Combating Illegal Migration**

The Division Combating Illegal Migration shall:

1. manage the system of identification of aliens staying without legal grounds;
2. provide the information to the authorized individual of the Patrol Police Department, Central Criminal Police Department or/and territorial agency of the Ministry with the purpose of fulfillment of the procedures/measures envisaged by the legislation;
3. ensure identification of a detained person;
4. cooperate with the State Agencies of Georgia and in case of necessity requests information concerning the issues under his competence;
5. cooperate and work in coordination with the relevant transport companies, diplomatic representations/organizations and other state agencies of foreign country, international and non-governmental organizations, as well as international and non-governmental organizations;
6. in cases determined by the paragraphs 2 and 4 of the Article 60 of the Law of Georgia “on the Legal Status of Aliens and Stateless Persons” apply to the LEPL – the State Services Development Agency of the Ministry of Justice of Georgia for issue, extension and cancellation of identification card of an alien; (21.10.2014 N 815)
7. within its competence prepare relevant documentation for the aliens without legal grounds;
8. Deleted (21.10.2014 #815)
9. within the competence of the Department organize the meetings with the employees of the Center, individuals placed in the Center, representatives of non-governmental and international organizations, as well as diplomatic representations and relevant state agencies;
10. obtain from data bases the information on individuals subject to exile and verifies the authenticity of the evidences;
11. in case of necessity through the assistance of the relevant authorized unit verify the information in the relevant institutions or places of residence of the citizens;
12. ensure processing and analysis of the statistic data;
13. on the basis of the statistic data prepare analytical documents on issues of illegal migration tendencies;
14. along with the state agencies participate in development of strategic documents (21.10.2014 #815)
15. Deleted (21.10.2014 #815)
16. prepare detailed report on exile enforcement on the name of the Director of the Department;
17. consider the decisions on exile and exile postponement and prepares projects of relevant decisions;
18. organize enforcement exiles;
19. cooperate with representations of Georgia abroad in order to organize interviews with the persons subject to readmission and involvement of readmitted persons in reintegration programs;
20. consider the transit applications obtained within the scope of the Agreement on readmission and ensures examination and determination of relevant grounds in order to take decision;
21. ensure creation and operation of the relevant basis on identity (name, surname, personal number) of individuals returned to Georgia;
22. in case of readmission implemented by mistake ensure the return of an individual to the state sending the application on readmission;
23. prepare an application on readmission and send in to the relevant country;
24. fulfill other powers envisaged by the legislation;
25. on the basis of the paragraph 4 of the Article 21 of the Law of Georgia “on the Legal Status of Aliens and Stateless Persons” take decision on termination of the validity of ordinary migration and transit visas. (21.10.2014 #815)

**Article 10. Legal Maintenance Division**

The Legal Maintenance Division shall:

1. authenticate decisions on exile and exile postponement of aliens;
2. apply to the court for exile or/and transfer of an alien in the temporary placement center;
3. represent the Department in the court in case of appeal of the deportation decision by an alien;
4. protect the interests of the Department in the court on the basis of an attorney assigned by the Director of the Department;
5. ensure preparation and further development of the legal basis of the Migration Department;
6. within its competence develop proposals and projects on amendments and additions to the normative acts;
7. prepare conclusions on the projects of legal acts related to migration issues provided to the Migration Department;
8. within the competence of the Department ensure processing of documentation related to the personnel issues;
9. control the legality of accommodation of aliens in the temporary placement center;
10. in case of necessity provide legal assistance to the citizens of foreign states and familiarize them with the migration rules acting in the country; operates hot line; (21.10.2014 #815)
11. control realization of the rights of aliens placed in the center and ensure response to the relevant violations, while in case of necessity inform the Ministry or any other competent unit of the State Agency;
12. review applications/complaints related to the facts of violation of the rights of aliens placed in the center;
13. fulfill other powers envisaged by the legislation.

**Article 11.** **Temporary Placement Center (Division)**

The Temporary Placement Center:

1. shall ensure protection of the inside perimeter of the Center;

a1) shall ensure registration of aliens accepted to the Center as well as register and store personal items of an aliens; (21.10.2014 N 815)

1. shall ensure implementation of the internal security measures of the Center;
2. shall lead visitors to the meeting room and in case of necessity implement visual control;
3. shall ensure registration of visitors to the Center and their security; (21.10.2014 N 815)
4. shall ensure observation of the internal order acting in the Temporary Accommodation Center, supervision over the aliens placed there and response to the facts of violation of the order;
5. shall ensure proper functioning of the Center;
6. shall organize the activities related to acceptance, transmission, transfer, release and transportation of an alien (21.10.2014 N 815)
7. shall plan and fulfill control over compliance with the internal regulation of the activities of an alien during his/her stay in the Center;
8. shall organize and monitor the open-air walks of aliens accommodated in the Center;
9. shall monitor the application process by the aliens of different equipment, techniques and private use items;
10. Deleted (21.10.2014 N 815)
11. shall ensure relevant response to order violation, property damage and destroy and to the fact of unpermitted attempted leave of the Center;
12. shall monitor the stock and technical means existing on the territory of the Center;
13. shall ensure proper functioning of visual surveillance and signaling systems of the Center;
14. shall ensure material-technical maintenance within the competence of the Department;
15. shall ensure transportation/transfer of an alien staying in Georgia without legal grounds from the Temporary Placement Center or Temporary Placement Isolator;

p1) shall ensure transportation/transfer of an alien staying in Georgia without legal grounds to another institution and ensure his/her supervision; (21.10.2014 #815)

1. shall fulfill other powers envisaged by the legislation.

**Article 12. Organizational Unit (21.10.2014 #815)**

The Organizational Unit:

1. shall accept and with the purpose of relevant response deliver to the relevant unit different type of complaints, requests and applications of the aliens placed in the Temporary Placement Center;
2. shall provide an alien placed in the Center with emergency medical aid and in case of necessity inform the relevant institution;
3. shall provide physiological service to the aliens placed in the Center;
4. shall receive non-secret documents and ensure their distribution via e-flow system;
5. shall receive documents (secret documents) containing secret information and register them in the relevant registration book;
6. shall timely provide the employees with correspondence and immediate sending of the processed correspondence;
7. shall ensure archival storage of the materials of the administrative case and work on archival documents;
8. shall fulfil other powers envisaged by the legislation in relation to received and sent secret and non-secret documents of the Department;
9. shall supervise the way/period determined by the law for response to correspondence.