

**Information provided by the Government of Georgia to the  
questionnaire of the Special Rapporteur on the human rights of  
migrants: Ending immigration detention of children and seeking  
adequate reception and care for them**

- 1. Please provide information on any legislation or policy that prohibits or restricts the use of immigration detention of children and their families in your country. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish.**

According to the Georgian Law on “Legal Status of Aliens and Stateless Persons” and Order of the Minister of Internal Affairs of Georgia on approval of the rule of detention and placement of aliens in the Temporary Accommodation Center detention of children and their families is possible in exceptional cases and for the shortest period of time.

<https://www.matsne.gov.ge/en/document/view/2278806?publication=9>

- 2. Please provide information on existing non-custodial alternatives to immigration detention of children in your country (e.g. community-based reception solutions) and elaborate how these alternatives effectively enhance the protection of the rights of migrant children and their families.**

It should be noted, that immigration detention of persons irregularly residing within the country is the measure of last resort (to see the alternatives to detention, see the link above). Detention of child at Temporary Accommodation Center should be for the shortest time after individual assessment of each case.

Important to note, that in order to carry out expulsion procedures without immigration detention of unattended children Migration Department of the Ministry of Internal Affairs cooperates with LEPL Agency For State Care and Assistance for the (Statutory) Victims Of Human Trafficking of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia.

In the process of expulsion, the agency provides unattended child under age of 18 with safe housing, by offering them 24/7 services, while their status is being resolved. LEPL Agency For State Care and Assistance for the (Statutory) Victims Of Human Trafficking has different services among which are Foster Care and Small Group family homes and 24/7 Shelters for children who live and/or work on the streets. Before placing a child in a state service child’s needs are being identified and they are provided with caring family environment (nutrition, hygiene, safety, education, psychological services, health care are included in all state services).

Nevertheless, Georgian law envisages immigration detention of a child. It is important that during the detention, the best interests of the child and the principle of family unity should be taken into account.

In case of detention of child, responsible authority immediately notifies child's legal representative and/or relevant authority. Accordingly, the authorized persons of the LEPL Agency For State Care and Assistance for the (Statutory) Victims Of Human Trafficking are involved in all stages of the case of a child (an unattended minor) placed in the Temporary Accommodation Center of the Migration Department.

In addition, Staff of the Temporary Accommodation Center and any individual dealing with child during the expulsion case have undergone special training on the treatment of minors.

In case of detention at Temporary Accommodation Center, it has separate block for families and children. The center also provides protection of children's best interests, including the right to education tailored to their age and ability and necessary conditions for free-time activities. The TAC includes recreation areas, computer room and playground. Temporary Accommodation Center provides free access to psychologist and medical staff.

It is unacceptable to separate the child from their parents against their will, except when based on applicable legislation and procedures the responsible authority decides that separation is aimed at the best interests of child.

Protection of human rights of detained migrants in the TAC overseen by Foreigners Rights Protection and Monitoring Unit of the Migration Department. The unit conducts meetings and interviews with children on a regular basis to ensure the timely and accurate protection of their rights and interests.

- 3. Please provide information on any existing good practices or measures taken in your country to protect the human rights of migrant children and their families while their migration status is being resolved, including inter alia their rights to liberty, family life, health and education(e.g. by ensuring effective access to *inter alia* adequate reception, healthcare, education, legal advice, family reunion).**

See response to the question N2

- 4. Please indicate any challenges and/or obstacles in the development and/or implementation of non-custodial alternatives to immigration detention of children and their families.**

N/A

- 5. What support could other stakeholders (other than your Government) provide to strengthen the development and/or implementation of non-custodial alternatives to immigration detention of children and their families that enhance the protection of their rights?**

N/A