

ORGANIC LAW OF GEORGIA ON CITIZENSHIP OF GEORGIA

(As amended and added by Law of Georgia of March 2, 2001)

Citizenship means a political and legal bond with the Georgian State, which is reflected in reciprocal rights and obligations, and is based on the respect for human dignity and recognition of fundamental human rights and freedoms. This Law provides protection of rights of citizens of Georgia both within the country and in abroad in accordance with international law and legislation of Georgia.

CHAPTER I - GENERAL PROVISIONS

Article 1 - Citizenship of Georgia

In Georgia there is a single citizenship. A citizen of Georgia may not at the same time be a citizen of another state.

Article 2 - The right to citizenship

In Georgia each person has the right to citizenship of Georgia in accordance with rules established by this Law. No one may be subjected to the restriction of the right to change his or her citizenship except in cases defined in this Law. No one may be deprived of citizenship of Georgia.

Article 3 - A citizen of Georgia

The following persons shall be considered as citizens of Georgia:

- a) A person who has been permanently residing in Georgia at least for 5 years and is residing in Georgia by the date of entry into force of this Law, unless he or she declares refusal to be a Georgian citizen in writing within six months;
- b) A person born in Georgia who left Georgia after December 21, 1991 and therefore does not meet the requirements stipulated in paragraph (a) of this Article, provided that he or she does not have citizenship of another country;
- c) A person who has acquired citizenship of Georgia in accordance with this law.

Article 4 - Equality of citizens of Georgia

Citizens of Georgia are equal before the law regardless of their race, color, language, sex, religion, political or other beliefs, national, ethnic or social affiliation, origin, property status, rank or place of residence.

Article 5 - Legal status of citizens of Georgia

Citizens of Georgia are guaranteed political, social, economic and personal rights and freedoms established by legislation of Georgia and international law.

Citizens of Georgia shall observe the Constitution of Georgia and other laws, respect territorial integrity of the country, contribute to the strengthening of its power, and be devoted to the interests of Georgia.

Article 6 - Protection of rights and lawful interests of citizens by the State

Georgia shall protect rights, freedoms and lawful interests of citizens of Georgia within its territory and in abroad.

Article 7 - Retention of citizenship of Georgia by persons residing outside Georgia

The mere fact that a citizen of Georgia is residing outside the country shall not by itself cause termination of citizenship of Georgia.

Article 8 - Legal status of citizens of other states and stateless persons

Being on the territory of Georgia, citizens of other states and stateless persons shall respect and observe the Georgian laws and shall enjoy rights and freedoms guaranteed by the norms of international law and legislation of Georgia, including the right to appeal to court and other state bodies in order to protect their personal, property and other rights.

Citizens of other states who are on the territory of Georgia may appeal to consulates and embassies of their countries for assistance and protection.

Article 9 - Conditions of extradition of a citizen of Georgia to another state

A citizen of Georgia may not be extradited to another state, except in cases provided for by international agreements. Decision on extradition may be challenged before the court.

Article 9¹ – Honorable citizenship of Georgia

Honorable citizenship of Georgia may be awarded to a citizen of another country or stateless person, with his or her consent thereto, for his or her special contribution to Georgia or the mankind by scientific or social activity, or due to special profession or qualification, which is of interest for Georgia and when the award of citizenship of Georgia to such a person is within the state interests.

Honorable citizenship of Georgia shall be awarded according to the Provision of President of Georgia “On Honorable Citizenship of Georgia”. Honorable citizenship of Georgia shall be awarded by President of Georgia.

CHAPTER II - ACQUISITION OF CITIZENSHIP OF GEORGIA

Article 10 - Basis for acquisition of citizenship of Georgia

Citizenship of Georgia may be acquired:

- a) at birth;
- b) by naturalization;
- c) on the basis of other grounds provided for by international treaties to which Georgia is a party and this Law.

Article 11 - Citizenship of a child whose parents are citizens of Georgia

A child whose parents were citizens of Georgia at the moment of his or her birth shall be considered as a citizen of Georgia regardless of the place of birth.

Article 12 - Citizenship of a child whose one parent is a citizen of Georgia

If the child’s parents have different citizenship and either of them is a citizen of Georgia at the moment of the child’s birth, the latter shall be considered as a citizen of Georgia if:

- a) he or she was born on the territory of Georgia;
- b) he or she was born outside the borders of Georgia but either of his parents has a permanent place of residence on the territory of Georgia;
- c) either of his parents is a citizen of Georgia at the moment of his birth, regardless of the place of birth, and the other parent is a stateless person or is unknown.

Where parents have different citizenships, either of whom at the moment of the child’s birth is a citizen of Georgia, and both of the parents reside outside the territory of Georgia, the matter of citizenship of the child born outside the borders of Georgia shall be solved by agreement of parents. In the absence of such agreement the matter shall be solved according to the legislation of the state of birth.

In case of affiliation of a child whose mother is a stateless person and a citizen of Georgia is considered to be the father, the child shall be considered as a citizen of Georgia, regardless of the place of his birth.

Article 13 - Citizenship of a child whose parents are stateless persons

A child of stateless persons permanently residing on the territory of Georgia shall be considered as a citizen of Georgia if he or she was born on the territory of Georgia.

Article 14 - Citizenship of a child whose parents are citizens of another country

The matter of citizenship of a child who was born on the territory of Georgia and whose parents are citizens of another country shall be solved pursuant to the legislation of the respective country.

Article 15 - Citizenship of a child whose parents are unknown

A child who was found on the territory of Georgia and both of whose parents are unknown, shall be considered as a citizen of Georgia until the contrary is proved.

Article 16 - Citizenship of a child in case of the change of parents' citizenship

Changing of both parents' citizenship shall cause changing of citizenship of a child aged under 14. Citizenship of a child aged from 14 to 18 may be changed only with his or her consent thereto.

Article 17 - Citizenship of a child upon the change of citizenship of either of his parents

1. Where either of the parents changes citizenship of Georgia to that of another country, a child shall retain citizenship of Georgia if he or she remains in Georgia for residence.
2. If either of the parents abandons citizenship of Georgia and leaves Georgia with a child aged under 14 for permanent residence in another country, the child shall no longer be considered as a citizen of Georgia.
3. A child's citizenship shall not be terminated when either of the parents abandons or loses citizenship of Georgia.

Article 18 - Citizenship of a child when either of the parents acquires citizenship of Georgia

If either of the parents acquires citizenship of Georgia and the other remains a citizen of another state, the child may become a citizen of Georgia at the parents' joint request.

If either parent acquires citizenship of Georgia and the other remains a stateless person, the child shall become a citizen of Georgia.

Article 19 – Freedom of an adult to choose citizenship

Where parents have different citizenships and either of them is a citizen of Georgia, a person is free to choose either parent's citizenship upon achievement of legal age.

Article 20 - Acquisition of citizenship of Georgia by an adopted child

A child who is a citizen of another state or a stateless person and who has been adopted by the citizen (s) of Georgia may become a citizen of Georgia at the request of the adoptive parent(s).

A child who is a citizen of another state or a stateless person and who had been adopted by spouses either of whom is a citizen of Georgia may become a citizen of Georgia at the adoptive parents' joint request.

Article 21 - Retention of citizenship by a child upon adoption

If a child who is a citizen of Georgia is adopted by foreign citizens or spouses either of whom is a citizen of Georgia and the other is a foreign citizen, the child retains citizenship of Georgia. In such case, at the adoptive parents' request, the child shall be allowed to abandon citizenship of Georgia.

If a child who is a citizen of Georgia and is adopted by stateless persons or spouses either of whom is a citizen of Georgia and the other is a stateless person, the child shall retain citizenship of Georgia.

Article 22 - Citizenship of a child under custody or guardianship

In the case when a custody or guardianship is established over a child, and one of his parents or both are leaving Georgian citizenship, relying on the request of the child's custodian or guardian, he may retain Georgian citizenship.

Article 22¹ – Particularities of solving the matter of a child's citizenship

In the cases defined in Articles 17-22 of this Law, the changing of citizenship of a child aged from 14 to 18 requires the latter's consent.

Article 23 - Citizenship of an incapable person

Citizenship of an incapable person, according to his own interests, may be changed at his or her custodian's request pursuant to the rules established by this Law..

Article 24 - Disputes regarding citizenship of a child, incompetent person or a person with restricted abilities.

Disputes between parents, custodians or guardians regarding citizenship of a child, incapable person or person with restricted abilities shall be solved by court that shall take into consideration interests of the child, incapable person or person with restricted abilities.

Article 25 - Citizenship of Georgia upon marriage or divorce

The fact of marriage or divorce of a citizen of Georgia with a foreign citizen or stateless person shall not by itself result in the change of the spouses' citizenship.

The change of citizenship of either of the spouses shall not result in the change of citizenship of another spouse.

Divorce shall not result in the change of citizenship of children of divorced parents.

Article 26 - Criteria for granting citizenship of Georgia

Citizenship of Georgia may be granted to an alien or a stateless person of legal age pursuant to this Law if he or she meets the following requirements:

- (a) has been permanently residing within the territory of Georgia during the last ten years,
- (b) knows the state language at the established minimum.
- (c) is familiar with the history and legislation of Georgia at the established minimum.
- (d) has a job or any real estate on the territory of Georgia.

Article 26¹ – Grounds of denial to grant citizenship of Georgia

A person shall not be granted citizenship of Georgia if he or she:

- (a) committed an international crime against peace and humanity; or
- (b) participated in a crime against the states provided for in the Georgian legislation.

Article 27 - Special criteria for granting citizenship of Georgia

In exceptional circumstances President of Georgia is entitled to grant citizenship of Georgia to a person without having observed requirements of paragraphs (a), (b), (c) and (d) of Article 26 of this Law if:

- (a) the person has made a special contribution to Georgia or the mankind with his scientific or social activity, or possesses special profession or qualification which is of interest for Georgia; or
- (b) granting of citizenship to him is within the interests of the state.

Article 28 – Granting of citizenship of Georgia to a person married to a citizen of Georgia

A person who married a citizen of Georgia and has been residing on the territory of Georgia together with his or her spouse during the last three years may be granted citizenship of Georgia in accordance with paragraphs (b) and (c) of Article 26 and Article 26¹ of the this law.

Article 29 - Restoration of citizenship of Georgia

Citizenship of Georgia may be restored pursuant to this Law to a person whose citizenship has been terminated as a result of:

- (a) unlawful deprivation of citizenship of Georgia;
- (c) abandonment of citizenship of Georgia; or
- (d) his or her parents' choice.

In the case stipulated in paragraph (b) of this Article, citizenship of Georgia shall be restored to the person who by the time of submission of an application has been permanently residing on the territory of Georgia and meets the requirements provided for by paragraph (b) and (c) of Article 26 and Article 26¹ of the this Law.

Article 29¹ – Oath of a citizen of Georgia

A person who has acquired citizenship of Georgia by naturalization or restoration of citizenship of Georgia, shall give an oath of allegiance to Georgia in Georgian language: “By becoming a citizen of Georgia, I (last name and first name) hereby swear to serve to Georgia, to comply with its Constitution and all laws, to defend its independence and territorial integrity. I recognize Georgian as a state language of Georgia and undertake to respect Georgian culture and national traditions”. The oath shall be attested with a signature.

CHAPTER III - TERMINATION OF CITIZENSHIP OF GEORGIA

Article 30. Citizenship of Georgia may be terminated on the following grounds:

- (a) Abandonment of citizenship of Georgia;
- (b) Loss of citizenship of Georgia;
- (c) Other circumstances provided for by international treaties to which Georgia is a party and by this Law.

Article 31 – Abandonment of citizenship of Georgia

A citizen of Georgia may abandon citizenship of Georgia. The matter of abandonment of citizenship of Georgia shall be solved according to this Law.

A citizen of Georgia may be denied to abandon citizenship of Georgia if he or she has not fulfilled the duties owed to the state, failed to complete military service or has any outstanding property obligation relating to vital interests of citizens, state and public organizations.

Abandonment of citizenship of Georgia shall not be permitted if a person is under criminal prosecution or a court passed a valid judgement against him, which is subject to enforcement.

Article 32 - Loss of citizenship of Georgia

In accordance with this Law a person shall lose citizenship of Georgia if he or she:

- (a) without permission of respective Georgian authorities becomes a member of foreign army, police, departments of justice and other government bodies or state authorities;
- (b) permanently resides on the territory of another state and has not been registered in a consulate of Georgia for 2 years without any excusable cause;
- (c) acquires citizenship of Georgia by submitting false documents; or
- (c) acquires citizenship of another state.

CHAPTER IV - THE RULES CONCERNING CONSIDERATION OF MATTERS RELATED TO CITIZENSHIP OF GEORGIA

Article 33 - Powers of President of Georgia in deciding citizenship matters

President of Georgia may take decisions on the following issues:

- (a) granting of citizenship of Georgia to aliens and stateless persons;
- (b) restoration of citizenship of Georgia;
- (c) abandonment of citizenship of Georgia; or
- (d) loss of citizenship of Georgia.

Article 34 – Submission of applications on citizenship matters

1. Applications on acquisition, abandonment and restoration of citizenship of Georgia shall be submitted by persons concerned to the Ministry of Justice of Georgia; persons residing outside Georgia shall forward applications to President of Georgia directly or through Georgian consulates or embassies.
2. Applications of minors or incapable persons on citizenship matters shall be submitted by their legal representatives.

Article 35 – Proposition on the loss of citizenship of Georgia

A proposition on the loss of citizenship of Georgia shall be submitted to the Ministry of Justice of Georgia by the court, prosecutor's office, Ministry of Internal Affairs and Ministry of Foreign Affairs. With respect to citizens of Georgia residing outside the country, the proposition shall be made by appropriate consulates or embassies.

Article 36 - Preliminary consideration of citizenship matters

Preliminary hearing and consideration of the application on Georgian citizenship as well as relevant materials are prepared by the Ministry of Justice. Conclusion on preliminary consideration of citizenship matters shall be approved by the Board of the Ministry of Justice.

If the Ministry of Justice, except proposition made by agencies indicated in Article 35 of this Law, becomes aware that there are grounds for losing citizenship of Georgia, it shall consider the matter of losing the citizenship of Georgia and shall present the material to President of Georgia.

Article 36¹ – Consideration of matters concerning ascertainment of citizenship

Matters concerning ascertainment of citizenship as provided for in Article 3(a) and (b) and Articles 11-22 shall be considered and the respective decision shall be made by Ministry of Justice of Georgia.

Ministry of Justice of Georgia shall supervise execution of decisions regarding citizenship matters and shall report periodically to President of Georgia.

Article 37 – Decision-making on citizenship matters

If the application or proposition on acquisition, termination or restoration of citizenship of Georgia is upheld, President of Georgia shall issue an ordinance thereon. In case of dismissal of application or proposition, President of Georgia shall issue a direction.

Article 38 - Term of consideration and decision-making on citizenship matters

Duration of consideration and decision-making on applications and propositions shall not exceed one year.

Article 39 - Reconsideration of applications and propositions on citizenship matters

Applications and propositions on acquisition, termination or restoration of citizenship of Georgia may be reconsidered after one year from the date the previous decision was delivered.

Article 40 – Formal fee

Upon submission of an applications on citizenship matters, the applicant shall pay a formal fee in the amount and according to the procedures established by relevant Georgian legislation.

If a personal unlawfully lost citizenship of Georgia, he shall be exempted from the formal fee duty during while submitting the application.

Article 41 – Provision on Rules of Consideration of Applications and Propositions Relating to Citizenship Matters

Provision on rules of considering applications and propositions relating to citizenship matters shall be approved by an ordinance of President of Georgia thereon.

Article 42 – Challenging of a decision on citizenship matters

Decision of the President of Georgia on matters of citizenship of Georgia may be challenged in the Supreme Court of the Georgia.

Respective officials shall bear responsibility according to the legislation in force for unjustified refusal to consider applications on matters of citizenship, for failure to meet time limits of consideration of requests and for other illegal acts.

CHAPTER V – INTERIM PROVISIONS

Article 43 - Documents certifying citizenship of Georgia

Both an identification card of a citizen of Georgia and a passport of a citizen of Georgia are documents verifying citizenship of Georgia.

Citizenship of a child aged under 16 can be verified by a birth certificate or the parent's passport.

Citizenship of a child aged under 16 whose parents are unknown verified by a birth certificate.

Article 44 - Issuance of citizenship verification documents

Identification cards and passports of citizens of Georgia shall be issued by relevant agencies of the Ministry of Interior of Georgia.

Identification cards, registration certificates and passports of citizens of Georgia permanently or temporarily residing in another state shall be issued by the Ministry of Foreign Affairs of Georgia, consulates or embassies of Georgia.

In cases provided for by legislation, a passport of a citizen of Georgia may also be issued by the Ministry of Foreign Affairs of Georgia.

Rules and conditions of producing and issuing the documents verifying citizenship of Georgia shall be established by Georgian legislation.

Article 45 - Restoration of the expired term due to an excusable cause

If a person, due to an excusable cause, failed to declare a denial to acquire citizenship of Georgia in the term specified in paragraph 3 of this Article, the expired term shall be restored to him in accordance with the relevant legislation.

Article 45¹. Temporary rule of ascertainment of citizenship of Georgia

Until April 1, 2002 Georgian consulates and embassies in other States shall have the power to consider and take decision on issues concerning ascertainment of Georgian citizenship of persons being in those States on the grounds established by this Law if there is a visa regime between these States and Georgia.

1. Application of paragraph 1 of this Law does not impose any limitations upon the Ministry of Justice of Georgia to exercise its powers under Article 36¹ of this Law.

Article 45². Simplification of the rule of ascertainment of citizenship of Georgia

The parliamentary Committee on Legal Issues, Lawfulness and Administrative Reforms and the parliamentary Committee of International Relations shall prepare a draft Law on Simplification of the Rule of Ascertainment of Citizenship of Georgia until May 1, 2001 taking into account considerations provided by appropriate executive authorities.

Article 46 - Application of international treaties

1. While making decisions on matters of citizenship, in addition to the present law, international treaties to which Georgia is a party shall be applied.
2. If an international treaty to which Georgia is a party establishes rules different from those established by this Law, the rules of the international treaty shall be applied unless they are inconsistent with the Constitution of Georgia.

Eduard Shevardnadze
Chairman of Parliament of Georgia
Head of State

Vakhtang Goguadze
Speaker of Parliament of Georgia

March 25, 1993
Tbilisi

**RESOLUTION OF PARLIAMENT OF GEORGIA ON
THE DECLARATION OF A CITIZEN OF GEORGIA**

In connection to the adoption of the Law on Citizenship of Georgia, Parliament of Georgia resolves:

To approve the following Declaration of a citizen of Georgia:

By becoming a citizen of Georgia, I, _____, recognize and swear to comply with its Constitution and laws, to defend the territorial integrity of the country, sovereignty and reputation of the State, recognize Georgian as the State Language, and respect the Georgian culture and national traditions.

Vakhtang Gogvadze
Speaker of Parliament of Georgia

March 25, 1993
Tbilisi

**RESOLUTION OF PARLIAMENT OF GEORGIA ON ENFORCEMENT OF
THE LAW ON CITIZENSHIP OF GEORGIA**

Parliament of Georgia resolves:

1. The Law on Citizenship of Georgia shall become effective effect upon promulgation.
2. Cabinet of Ministers of Georgia shall prepare and approve the following provisions till April 10, 1993:
 - (a) Provision on Interim Commissions at Local Governance Bodies for Ascertainment of Citizenship of Georgia;
 - (b) Provision on Registration and Identity Verification of population of Georgia;
 - (c) Provision on the Passport, Official Passport and Diplomatic Passport of a Citizen of Georgia.

Vakhtang Gogvadze
Speaker of Parliament of Georgia

March 25, 1993
Tbilisi