

LAW OF THE REPUBLIC OF GEORGIA ON CITIZENSHIP OF GEORGIA

Citizenship is the stable legal relationship of a person with the state which is expressed in the totality of their mutual rights, duties and responsibilities based on the recognition of and respect of the dignity, and the basic rights and freedoms of the individual.

The present law in accordance with international law and legislation of the Republic of Georgia provides to protect the rights of citizens of Georgia within the country as well as outside its borders.

Chapter 1. General Provisions

Article 1. Citizenship of Georgia

1. Single citizenship is established in the Republic of Georgia.
2. A citizen of Georgia may not simultaneously be a citizen of another state country except particular cases foreseen by the Constitution of Georgia. The President of Georgia may grant citizenship of Georgia to a foreign citizen for having special merits to Georgia or if the granting of Georgian citizenship is in the State interests of Georgia.

Article 2. The right to citizenship

In Georgia, each person, according to the order established by the present law, has a right to citizenship of Georgia. No one may be restricted in the right to change his/her citizenship, except the circumstances envisaged by the present law.

No one may be deprived of the citizenship of Georgia.

Article 3. A citizen of Georgia

A citizen of Georgia shall be deemed:

- a) A person who permanently resided on the territory of Georgia at least for five years and resides as of the date of entry into force of the present law, unless within six months he/she expresses in writing its desire not to be a citizen of Georgia,
- b) A person who was born in Georgia but had left the territory of Georgia after 21 December 1991 and thus not fulfilling the requirements set out in paragraph “a” of this Article, if such a person does not have other citizenship.
- b) A person who has acquired citizenship of Georgia in accordance with the present law.

Article 4. Equality of citizens of Georgia

Citizens of Georgia are equal to laws regardless of their origin, social or property status, race or ethnic origin, sex, education, language, religion or political beliefs, place of residence, activity or other circumstances.

Article 5. Legal status of citizens of Georgia

Citizens of Georgia are guaranteed with personal rights and freedoms established by legislation of the Republic of Georgia and international law.

Article 6. Protection of Rights and Lawful Interests of Citizens by the State

Rights, freedoms and lawful interests of citizens of the Republic of Georgia on its territory and outside the borders of the Republic of Georgia are protected by the Republic of Georgia.

Article 7. Retention of citizenship of Georgia by persons residing outside the borders of Georgia

In a citizen of the Republic of Georgia resides outside the borders of the Republic of Georgia, it shall not entail termination of its citizenship.

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

Citizens of other states and stateless persons who are on the territory of Georgia are obliged to respect and observe laws of Georgia, they shall enjoy rights and freedoms guaranteed by the norms of international law and legislation of the Republic of Georgia, also the right to apply to court and other state bodies for protecting their personal property and other rights.

Citizens of other states who are on the territory of Georgia have the right to apply for help and protection to diplomatic representations and consular missions of their States.

Article 9. Inadmissibility of extradition of a citizen of Georgia to another state

A citizen of Georgia may not be extradited to another state.

Article 9¹. Honorary citizenship of Georgia

Honorary citizenship of Georgia can be granted to a foreign citizen or a stateless person, with their agreement, for their particular contribution to Georgia or mankind in scientific or social activity or due to their specific profession or qualifications that are interesting for Georgia or when the granting of citizenship to such a person is in the interests of the State.

Chapter 2. Acquisition of Citizenship of Georgia**Article 10. The bases for acquiring citizenship of Georgia**

Citizenship of Georgia shall be acquired:

- a) at birth;
- b) as a result of the grant of citizenship of Georgia (naturalization)
- c) upon other grounds provided for by international treaties of the Republic of Georgia and the present law.

Article 11. Citizenship of children whose parents are citizens of the Republic of Georgia

A child whose parents were citizens of Georgia as of the date of its birth is a citizen of Georgia regardless of the place of birth.

Article 12. Citizenship of children one of whose parents is a citizen of Georgia

Where parents have different citizenship, one of which at the date of birth of a child is a citizen of Georgia, the child is considered to be a citizen of Georgia if it was born:

- a) on the territory of Georgia;
- b) outside the borders of Georgia but one of the parents has a permanent place of residence on the territory of Georgia;
- c) one of the parents, at the date of a birth of a child (regardless of the place of birth) is a citizen of Georgia and the other is a stateless person or unknown.

Where parents have different citizenship, one of which at the date of birth of a child is a citizen of Georgia, and both of the parents reside outside the territory of Georgia, the question of citizenship of the child born outside the borders of Georgia shall be determined by an agreement of parents. In the absence of such agreement - by the legislation of the state of birth.

In the case of recognition of parenthood of a child whose mother is a stateless person and the recognised father is a citizen of Georgia, a child shall be a citizen of Georgia, regardless of the place of its birth.

Article 13. Citizenship of children whose parents are stateless persons

Children of stateless persons who reside permanently on the territory of Georgia shall be citizens of Georgia if they are born on the territory of Georgia.

Article 14. Citizenship of children whose parents are citizens of other states

The question of citizenship of a child born on the territory of Georgia whose parents are citizens of another state is decided by the legislation of the relevant State.

Article 15. Citizenship of children whose parents are unknown

A child found on the territory of Georgia, both of whose parents are unknown, shall be a citizen of Georgia unless the contrary is established.

Article 16. Citizenship of children in the case of change in citizenship of parents

Citizenship of children up to the age of 14 shall be changed where there is a change in the citizenship of both parents.

Citizenship of children from the age of 14 to 18 shall be changed only with their consent.

Article 17. Citizenship of children in the case of change in citizenship of one of the parents

Where one of the parents changes citizenship of Georgia a child shall retain citizenship of Georgia, if he/she remains resident on the territory of Georgia.

If one of the parents withdraws from the citizenship of Georgia and goes outside the borders of Georgia for permanent residence with a child up to the age of 14, it shall not retain citizenship of Georgia.

The citizenship of children shall not be changed when one of the parents renounces or loses Georgian citizenship.

Article 18. Citizenship of children where one of the parents acquires citizenship of Georgia

If one of the parents acquires citizenship of Georgia and the other remains a citizen of another state, the child may become a citizen of Georgia upon application of both parents.

If one of the parents acquires citizenship of Georgia and the other is a stateless person, a child shall be a citizen of Georgia.

Article 19. The possibility of choice of citizenship by adults

Where parents have different citizenship, a person shall by his/her own choose the citizenship of one of the parents upon attainment of majority

Article 20. The acquisition of citizenship of Georgia of children upon adoption

A child who is a citizen of a foreign State or a stateless person and who is adopted by citizens of Georgia may become a citizen of Georgia upon application by the adopter (s).

A child, who is a citizen of a foreign State and who is adopted by spouses one of whom is a citizen of Georgia, shall become a citizen of Georgia upon joint application of the adopters.

Article 21. Retention of citizenship of children upon adoption

A child who is a citizen of Georgia and who is adopted by foreign citizens or spouses one of whom is a citizen of Georgia and the other has other citizenship shall retain its citizenship of Georgia. In such a case upon the application of adoptive parents a child shall be given the permission to withdraw from citizenship of Georgia.

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

Article 22. Citizenship of children subject to guardianship or custody

A child subject to guardianship or custody, if parents or one of the parents withdraw from the Georgian citizenship, shall retain, upon the application of guardian or custodian, the citizenship of Georgia.

Article 22¹. Particularities of child citizenship

In the cases foreseen in Articles 17-22 of this Law, the child's consent is required if he/she is 14 to 18 years old.

Article 23. Citizenship of persons without capacity to act

The citizenship of a person without capacity to act, considering his/her interests, may be changed as foreseen in this Law upon application of the guardian.

Article 24. Disputes on citizenship of children, persons without capacity to act or with restricted capacity to act

Disputes among parents, a guardian or curator on the citizenship of children or persons without capacity to act or with restricted capacity to act shall be settled in judicial proceedings taking into account the interests of the child, the person without capacity to act or the person with restricted capacity to act.

Article 25. Citizenship of Georgia in the case of entering into or termination of marriage

The entering into or termination of marriage by a citizen of Georgia with a foreign citizen or stateless person shall not entail a change in citizenship.

A change in citizenship of one of the spouses shall not entail a change of citizenship of the other spouse.

A termination of marriage between spouses shall not entail a change in citizenship of their children.

Article 26. The criterion for acceptance into citizenship of Georgia

Georgian citizenship may be granted to a foreign citizen or a stateless person of full legal age according to the present law if he/she meets the following terms:

- a) resides permanently on the territory of Georgia for the past ten years;
- b) knows the State language within the limits established by law;
- c) knows the history of Georgia within the limits established by law;
- d) has a job or any real estate on the territory of Georgia.

Article 26¹. Basis for refusal of admission to Georgian citizenship

Citizenship shall not be granted to a person who:

- a) has committed international crime against peace or humanity;
- b) has taken part in a crime against the State foreseen in the Georgian legislation.

Article 27. Special criteria for acceptance into citizenship of Georgia

The President of Georgia, by way of exception, has the right to grant nationality to a person not meeting the criteria provided in items "a", "b", "c", "d" of article 26 of the present law if:

- a) he person has performed outstanding services for Georgia or mankind in scientific or social activities or has a profession or qualifications, which are of interest to Georgia;
- b) granting of citizenship is in the interest of Georgia.

Article 28. Acceptance into citizenship of Georgia of a person married to a citizen of Georgia

A person who enters into marriage with a citizen of Georgia and resides on the territory of Georgia over the past 3 years may be accepted into citizenship of Georgia in accordance with items “b” and “c” of article 26 and article 26¹ of the present law

Article 29. Restoration of citizenship of Georgia

Citizenship of Georgia may be restored according to the present law for a person whose citizenship has been terminated:

- a) as a result of illegal deprivation of citizenship;
- b) as a result of renunciation of citizenship;
- c) as a result of the parents' choice

In the case foreseen in item “b” of this article, the citizenship of Georgia may be restored to a person who at the time of filing the application resides permanently on the territory of Georgia and fulfils the conditions provided in items “b” and “c” of article 26 and article 26¹ of the present law.

Article 29¹. Oath of the Citizen of Georgia

A person who has acquired the citizenship of Georgia through naturalisation or restoration of Georgian citizenship shall give the oath of loyalty to Georgia in the Georgian language: "I (family name, first name), upon becoming a citizen of Georgia, hereby swear to serve faithfully to Georgia, respect its Constitution and all laws, defend the independence of Georgia, its territorial integrity. I recognise Georgian as the State language of Georgia. I undertake to respect the culture and national traditions of Georgia." The oath is confirmed by signature.

Chapter 3. Termination of Citizenship of Georgia

Article 30. Grounds for termination of citizenship of Georgia

The grounds for termination of citizenship of Georgia are:

- a) withdrawal from citizenship of Georgia;
- b) loss of citizenship of Georgia;
- c) other circumstances provided for by international treaties of Georgia and by the present law.

Article 31. Withdrawal from citizenship of Georgia

A citizen of Georgia has a right to withdraw from citizenship of Georgia. The issue of withdrawal from citizenship of Georgia is decided according to the present law.

Withdrawal from citizenship of Georgia may be refused if the person has not fulfilled his/her duties to the State, has not served the military service or has unsettled property obligation

which are connected with significant interests of citizens, state and non-governmental organizations.

Withdrawal from citizenship shall not be permitted if the person is being prosecuted or has been charged in criminal proceedings or is subject of a sentence that has entered into legal force and is subject to execution.

Article 32. Loss of citizenship of Georgia

In accordance with the present law, a person shall lose citizenship of Georgia if he/she:

- a) enters into military service, police, bodies of justice, government or state power of a foreign state, without permission of competent bodies of the Republic of Georgia;
- b) permanently resides on the territory of another state and has not registered in the consulate within two years, without due excuse;
- c) has acquired citizenship of Georgia by providing false documents;
- d) accepts citizenship of another state.

Chapter 4. The Rules of Considering and Deciding the Issues of Citizenship of Georgia

Article 33. Powers of the President of Georgia on issues relating to citizenship

The President of Georgia decides on the following issues:

- a) granting citizenship of Georgia to foreign citizens and stateless persons;
- b) restoration of citizenship of Georgia;
- c) withdrawal from citizenship of Georgia;
- d) loss of citizenship of Georgia.
- e) granting the citizenship of Georgia to foreign citizens in the cases foreseen by the Constitution of Georgia

Article 34. Procedure for submitting applications on questions related to citizenship of Georgia

The interested persons shall submit applications concerning acquisition of citizenship, renunciation of citizenship and restoration of citizenship of Georgia to the Ministry of Justice of Georgia; persons residing abroad shall send their applications directly to the President of Georgia or through diplomatic representations and consular missions of Georgia

Application on questions of citizenship of Georgia concerning minors and persons lacking capacity to act shall be submitted by their legal representatives.

In the cases foreseen by point 2 of article 1 of this Law, the President of Georgia instructs, by decree, the Ministry of Justice to consider the issue of granting Georgian citizenship.

Article 35. Applications on loss of citizenship of Georgia

Petitions on loss of citizenship of Georgia shall be submitted to the Ministry of Justice of Georgia by the court, prosecutor's office, the Ministry of Internal Affairs and the Ministry of Foreign Affairs. With regard to citizens who reside abroad – such applications shall be made by the respective diplomatic representation or consular mission.

Article 36. Preliminary consideration of issues of citizenship of Georgia

The Ministry of Justice of Georgia shall preliminarily consider and process materials of applications and petitions on questions on citizenship of Georgia. A Conclusion on the preliminary consideration of issues on citizenship shall be confirmed by the minister of justice.

If the Ministry of Justice learns about grounds for loss of the Georgian citizenship outside the procedures related to the proposals made by the bodies foreseen in article 35 of this law, then the Ministry shall examine the question of loss of the Georgian citizenship and submits the file to the President of Georgia.

Article 36¹. Resolution of cases related to certification of citizenship

The cases related to acknowledgement of citizenship foreseen in items “a” and “b” of article 3 and in articles 11-22 of this Law shall be examined and decided upon by the Ministry of Justice of Georgia

The Ministry of Justice controls the execution of decisions concerning citizenship of Georgia and submits materials to the President of Georgia.

Article 37. Decision on issues of citizenship of Georgia

The President of Georgia issues a decree in the event of granting an application or petition on acquisition, termination or restoration of citizenship of Georgia; in the contrary negative case the President issues a resolution.

Article 38. Terms for consideration and decision making of issues on citizenship

The term for consideration and deciding on application and petitions may not exceed one year.

In the cases foreseen in point 2 of article 1 of this Law, the time limit for examining the question of granting citizenship and certification of the conclusion shall not exceed three days from the days of issuing the respective decision of the President of Georgia.

Article 39. Reconsideration of applications and petitions on citizenship of Georgia

Applications and petitions on acquisition, termination and restoration of citizenship of Georgia may be reconsidered if at least one year has passed from the previous decision.

Article 40. State duty

A state duty shall be paid upon the submission of applications on questions of citizenship of Georgia by an applicant, the amount and procedure of which shall be established by the laws of Georgia.

If a person has lost Georgian citizenship unlawfully, he/she shall be exempted from the state duty for submitting application.

Article 41. Procedure for examining applications and petitions on questions of citizenship

The procedure for examining applications and petitions on questions of citizenship of Georgia shall be determined by a decree of the President of Georgia.

Article 42. Appeal of decisions on questions of citizenship of Georgia

Decisions of the President of Georgia on questions of citizenship of Georgia may be appealed in the Supreme court of Georgia.

State officials concerned are liable according to the law in force for illegal refusal to examine applications on questions of citizenship of Georgia, violation of time limits for considering applications and other illegal acts.

Chapter 5. Concluding Provisions

Article 43. Documents attesting citizenship of Georgia

Documents attesting citizenship of Georgia shall be the identification card of a citizen of Georgia or a passport of a citizen of Georgia.

Birth certificate and a passport or identification document of parents shall be documents attesting the citizenship of a child up to the age of 16.

Birth certificate shall be a document attesting the citizenship of a child up to the age 16 whose parents are unknown.

Article 44. Issuance of documents attesting citizenship of Georgia

Citizen's identification card and passport shall be issued by the relevant bodies of the Ministry of Justice of Georgia.

Identification card and passport of a citizen residing on the territory of another state shall be issued by diplomatic representations or consular missions of Georgia.

The rules of drawing up and issuance of documents attesting citizenship of Georgia shall be established by laws of Georgia.

Article 45. Renewal of a time limit exceeded with a due excuse

If a person fails to renounce the citizenship of Georgia according to article 3 of the present law within the established time limit, this time limit shall be restored in accordance with the legislation.

Article 46. Application of international treaties

In addition to the present law, questions of citizenship shall be resolved by application of international treaties of Georgia.

If an international treaty binding on Georgia provides different rules than those contained in the present law, then the rules of the international treaty shall be applied, provided that they do not contradict the Constitution.

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