ORGANIC LAW OF GEORGIA

ON GEORGIAN CITIZENSHIP

Chapter I

General Provisions

Article 1 - Scope of regulation

This Law defines the basic principles of Georgian citizenship, establishes the legal status of Georgian citizens and the grounds for acquiring and terminating Georgian citizenship.

Article 2 - Definition of terms

The terms used in this Law have the following meanings:

a) **territory of Georgia** – the territory within the national borders of Georgia, as well as sea vessels or aircraft flying the national flag of Georgia;

b) **residence in Georgia** – a person's stay in the territory of Georgia within the period determined by this Law;

c) **continuous residence in Georgia** – a person's residence in Georgia without spending a combined period of more than 90 days outside Georgia during a year (the period does not include leaving Georgia for up to two years for education and treatment). For the purposes of this Law, a year means a period of 365 consecutive days (in the case of a leap year – 366 days);

d) **changing citizenship** – acquisition of Georgian citizenship by naturalisation, except for granting Georgian citizenship by way of exception, or termination of Georgian citizenship;

e) **minor** – a person under the age of 18, except for the person who got married before the age of 18;

f) **unknown parent** – a parent whose identity and/or citizenship is unknown;

g) **honorary citizenship of Georgia** – a foreign individual's relation with Georgia that does not give rise to the rights and duties established for a Georgian citizen under the legislation of Georgia.

Article 3 - Georgian citizenship

1. Georgian citizenship means a legal bond between a person and Georgia.

2. There shall be a single citizenship in Georgia.

3. A Georgian citizen may not concurrently be a citizen of an other country, except as provided for in Article 17 of this Law.

4. No one may be restricted in their right to change citizenship, except as provided for by this Law or international agreements to which Georgia is a party.

5. Deprivation of Georgian citizenship shall be inadmissible.

Article 4 - Legal status of Georgian citizens

1. Georgian citizens are equal before the law regardless of race, colour of skin, language, sex, religion, political or other opinions, national, ethnic and social affiliation, origin, property or social status, place of residence or any other characteristics.

2. Georgian citizens shall be guaranteed the rights and freedoms determined by the legislation of Georgia and recognised by international law.

3. Georgian citizens shall abide by the Constitution and other normative acts of Georgia, protect the country's territorial integrity and be committed to the interests of Georgia.

4. Georgia shall protect the rights, freedoms, and legitimate interests of Georgian citizens, both within and outside the territory of Georgia.

Article 5 - Retention of citizenship

1. A Georgian citizen's marriage or dissolution of marriage with an alien or with a person having a status of a stateless person in Georgia shall not result in the change of the citizenship of the spouses.

2. A change in the citizenship of one spouse shall not result in the change of the citizenship of the other spouse.

3. Dissolution of marriage of spouses shall not result in the change of the citizenship of their children.

4. A change in the citizenship of one or both spouses shall not result in the change of the citizenship of their children.

5. Adoption of a Georgian underage citizen by an alien(s) shall not result in the change of the citizenship of the minor.

6. A Georgian citizen's residence outside Georgia shall not result in the change of Georgian citizenship.

Article 6 - Changing citizenship of minors and of legally incapable persons

1. Citizenship of a minor or of a legally incapable person may be changed (except for the cases when Georgian citizenship is lost) based on the application of their parents or other legal representatives.

2. Citizenship of a 14 year old minor may be changed (except for the cases when Georgian citizenship is lost) only by his/her consent.

Article 7 - Honorary citizenship of Georgia

An honorary citizenship of Georgia may be granted, by the consent of a grantee, to an alien who has made an exceptional contribution to Georgia and to mankind by his/her scientific and/or public activity, or if he/she has a profession and qualification, which is of interest for Georgia, and if granting Honorary citizenship of Georgia is based on Georgian national interests.

Article 8 - Oath of Georgian citizenship

A person who acquired Georgian citizenship through naturalisation, except for the cases specified in Article 12(2) and (3) of this Law, shall give an oath of allegiance to Georgia in the Georgian language and sign the oath: 'I, (first name, last name), become a Georgian citizen and swear to serve Georgia faithfully, abide by its Constitution and all other laws, protect the independence and territorial integrity of Georgia; I recognise the Georgian language as an official language of Georgia and also, Abkhaz language in the Autonomous Republic of Abkhazia. I undertake to respect Georgian culture and national traditions.'

Chapter II

Acquiring Georgian Citizenship

Article 9 - Forms of acquiring Georgian citizenship

1. Georgian citizenship is acquired:

a) by birth;

b) by naturalisation.

2. Naturalisation occurs by being granted Georgian citizenship by the President of Georgia.

3. Types of naturalisation are:

a) granting citizenship under regular procedure;

b) granting citizenship under simplified procedure;

c) granting citizenship by way of exception;

d) granting citizenship by way of its restoration.

Article 10 - Acquiring Georgian citizenship by birth

Georgian citizenship shall be acquired by birth by:

a) a person, at whose birth one of his/her parents is a Georgian citizen;

b) a person born on the territory of Georgia through extracorporeal fertilization (surrogacy), if the country of citizenship of neither of his/her parents recognises this person as its citizen;

c) a child born in the territory of Georgia to persons having a status of stateless person in Georgia;

d) a person born on the territory of Georgia, one of whose parents has a status of a stateless person in Georgia and the other parent is unknown.

Article 11 - Citizenship of children of unknown parents

A minor who is living in Georgia and whose both parents are unknown shall be deemed to be a Georgian citizen unless proved otherwise.

Article 12 - Granting Georgian citizenship to adults under regular procedure

1. Adults shall be granted Georgian citizenship under regular procedure if they meet the following requirements:

a) they have lawfully resided in Georgia for the last 5 consecutive years up to the day of applying for Georgian citizenship;

b) they know the official language of Georgia within the established limits;

c) they know the history of Georgia and basic principles of law within the established limits;

d) they have a job and/or real estate in Georgia, or carry on business in the territory of Georgia or hold an interest or shares in a Georgian enterprise.

2. The requirements of paragraph 1(b–d) of this article shall not apply to granting Georgian citizenship under regular procedure to legally incapable persons.

3. The requirements of paragraph 1(b) and (c) of this article shall not apply to granting Georgian citizenship under regular procedure to the persons whose physical affliction makes it impossible to check whether they meet the requirement of the above subparagraphs.

4. Paragraph 1(d) of this article shall not apply to granting Georgian citizenship under regular procedure to persons having a refugee status.

5. The limits of the required knowledge of the official language and the history of Georgia and of basic principles of law referred to in paragraph 1(b) and (c) of this article shall be determined under Article 28 (1) of this Law.

Article 13 - Granting Georgian citizenship to minors under regular procedure

1. A minor who has not acquired Georgian citizenship by birth shall be granted Georgian citizenship under regular procedure if one of his/her parents is a Georgian citizen.

2. A minor shall be granted Georgian citizenship under regular procedure if he/she is adopted by a Georgian citizen.

3. A minor born in the territory of Georgia who has a refugee status or a status of a stateless person in Georgia and has been living in Georgia for five years, shall be granted Georgian citizenship under regular procedure without the verification of the grounds provided for in Article 16 of this Law.

Article 14 - Granting Georgian citizenship under simplified procedure

1. A person who is married to a Georgian citizen and who has continuously lawfully resided in Georgia for the last two years up to the day of applying for Georgian citizenship, shall acquire Georgian citizenship under simplified procedure if he/she meets the requirements of Article 12 (1)(b) and (c) of this Law.

2. Article 12 of this Law shall not apply to the granting of Georgian citizenship under simplified procedure to the persons having a repatriate status. The persons having a repatriate status shall be granted Georgian citizenship under simplified procedure according to the Regulation approved by the Decree of the President of Georgia.

Article 15 - Granting Georgian citizenship to aliens under regular procedure

An alien may apply to an authorised body with a request to be granted Georgian citizenship under regular procedure. A decree of the President of Georgia on granting Georgian citizenship to an alien shall take effect as soon as the competent Georgian authorities receive the documents confirming the person's renunciation of foreign citizenship.

Article 16 - Grounds for refusal to grant Georgian citizenship by naturalisation

1. Persons cannot acquire Georgian citizenship by naturalisation if:

a) they have committed an international crime against peace and humanity;

b) they have been involved in a grave crime against a human being, state or public security and order under the legislation of Georgia;

c) it is inadvisable to grant them Georgian citizenship due to the state and/or public security interests of Georgia.

2. The state and/or public security interest of Georgia provided for in paragraph 1(c) of this article comprises the cases, where:

a) a person's stay in the territory of Georgia poses a threat to Georgia's relations with other states and/or international organisations;

b) according to available information, there is a high probability that the person is connected with:

b.a) the armed forces of a state/organisation posing a threat to Georgia's defence or security;

b.b) intelligence services of a foreign country;

b.c) terrorist and/or extremist organisations;

b.d) organisations engaged in illegal circulation of narcotics, arms, weapons of mass destruction or their components, as well as with those involved in human trafficking and/or other criminal (including transnational criminal) organisations.

3. Information about the circumstances specified in paragraph 1(c) of this article shall be communicated to the authority reviewing the case, without harming state secrets, or state and public security interests of Georgia.

4. If there are grounds specified in paragraph 1(c) of this article to refuse to grant Georgian citizenship by naturalisation, the final decision on whether to grant Georgian citizenship shall be made by the President of Georgia. In that case, the decision made by the President of Georgia to grant Georgian citizenship shall be substantiated.

Article 17 - Granting Georgian citizenship by way of exception

Under Article 12(2) of the Constitution of Georgia, the President of Georgia may grant Georgian citizenship by way of exception to an alien who has made a contribution of exceptional merit to Georgia. The President of Georgia may also grant Georgian citizenship by way of exception to an alien based on state interests.

Article 18 – Granting Georgian citizenship by way of its restoration

1. Georgian citizenship shall be granted by way of its restoration to persons whose citizenship has been terminated:

a) unlawfully;

b) by renunciation of Georgian citizenship;

c) as a result of the choice of his/her parent(s).

2. Persons shall be granted Georgian citizenship by way of its restoration if they meet the following requirements:

a) know the official language of Georgia within the established limits;

b) there are no grounds specified in Article 16 of this Law.

3. The Georgian citizenship shall be regarded as unlawfully terminated if a person loses Georgian citizenship without the existence of the grounds provided for in Article 21(1) of this Law.

4. If a person is granted Georgian citizenship by way of its restoration because his/her Georgian citizenship has been unlawfully terminated, the requirements of the second paragraph of this article shall not apply to that person.

5. A person may be granted Georgian citizenship by way of its restoration when he/she reaches the age of majority if his/her Georgian citizenship has been terminated as a result of the choice of his/her parent(s).

6. The requirements of paragraph 2(a) of this article shall not apply to granting Georgian citizenship by way of its restoration to a legally incapable person and to a person whose physical affliction makes it impossible to check whether he/she meets the requirements of that subparagraph.

7. A decree of the President of Georgia on granting Georgian citizenship by way of restoration to an alien shall take effect as soon as the competent Georgian authorities receive documents evidencing the person's renunciation of foreign citizenship.

Chapter III

Termination of Georgian Citizenship

Article 19 - Types of termination of Georgian citizenship

Georgian citizenship of a Georgian citizen may be terminated by:

a) renunciation of Georgian citizenship;

b) the loss of Georgian citizenship;

c) in the case provided for in Article 11 of this Law.

Article 20 - Renouncing Georgian citizenship

1. A Georgian citizen may renounce Georgian citizenship.

2. A Georgian citizen may not renounce Georgian citizenship if:

a) he/she has not fulfilled military or any other duties owed to Georgia;

b) he/she is accused of a crime provided for by the Criminal Code of Georgia or there is a final court decision with respect to him/her, which is yet to be executed.

3. A decree of the President of Georgia on a person's renunciation of Georgian citizenship shall take effect:

a) upon receipt by competent Georgian authorities of the documents confirming that the person has been granted foreign citizenship;

b) on the 15th day of signing the decree, if the person has received a document issued by a competent authority of a foreign country confirming that the person will definitely be granted the citizenship of that country if he/she renounces Georgian citizenship.

Article 21 - Loss of Georgian citizenship

1. A Georgian citizen shall lose Georgian citizenship if he/she:

a) joins military, police or security services of a foreign country without permission of competent Georgian authorities;

b) acquires Georgian citizenship by presenting false documents;

c) acquires foreign citizenship.

2. Paragraph 1(a) of this article shall not apply to Georgian citizens who have acquired Georgian citizenship by way of exception, and who will join military, police, or security services of the country of their citizenship.

3. Paragraph 1(c) of this article shall not apply to Georgian citizens who have acquired Georgian citizenship by way of exception.

4. A Georgian citizen may retain Georgian citizenship despite the grounds specified in paragraph 1(a) or (c) of this article, if those grounds are eliminated before they are identified.

5. The competent authorities provided for in paragraph 1(a) of this article shall be specified by a resolution of the Government of Georgia.

Chapter IV

Procedure for Considering and Deciding on Issues Regarding Georgian Citizenship

Article 22 - Submitting applications on issues regarding Georgian citizenship

1. Interested persons shall submit, directly or through an authorised representative, applications on issues regarding Georgian citizenship to the Legal Entity under Public Law (LEPL) - Public Service Development Agency under the Ministry for Justice of Georgia ('the Agency') or to Georgian diplomatic missions or consular offices abroad.

2. Minors or legally incapable persons shall submit applications on issues regarding Georgian citizenship through their legal representatives.

3. In the case provided for in Article 17 of this Law, a person shall submit an application for Georgian citizenship to the Agency or to Georgian diplomatic missions or consular offices abroad or directly to the President of Georgia.

Article 23 - Notification for the loss of Georgian citizenship

Upon identifying the grounds for the loss of Georgian citizenship, state authorities shall submit a request to the Agency on the loss of citizenship.

Article 24 - Consideration of issues regarding Georgian citizenship

1. The Agency shall consider applications and notification on the issues regarding Georgian citizenship and prepare appropriate conclusions.

2. If the Agency becomes aware of the existence of grounds for the loss of Georgian citizenship without receiving a notification for the loss of Georgian citizenship, it shall consider the issue of the loss of citizenship in compliance with the rule established under the first paragraph of this article and submit appropriate materials to the President of Georgia.

Article 25 - Making decisions on issues regarding Georgian citizenship

1. In the case of a positive decision on an application for granting or terminating Georgian citizenship or on the notification on the loss of citizenship, the President of Georgia shall issue a decree, and in the case of a negative decision on such application and request, the President of Georgia shall issue an ordinance.

2. In exceptional cases, on the initiative of the President of Georgia, Georgian citizenship may be granted to an alien by way of exception without observing the procedure under this Law, on the basis of the Regulation approved by the Decree of the President of Georgia, provided the reason for granting Georgian citizenship is substantiated.

Article 26 - Time frame for considering and deciding on issues regarding Georgian citizenship

1. The time frame for considering and deciding on applications and notification on issues regarding Georgian citizenship shall not exceed three months.

2. In the case of a negative decision on an application for granting Georgian citizenship by naturalisation, the applicant may apply to the Agency or to Georgian diplomatic missions or consular offices abroad on the same grounds six months after the negative decision is made.

Article 27 - Service fee

1. When filing an application on issues regarding Georgian citizenship, the applicant shall pay a service fee in the amount and under the procedure prescribed by the Government of Georgia, except as provided for by the legislation of Georgia.

2. In the case of the restoration of Georgian citizenship, the service fee shall be refunded to a person if his/her Georgian citizenship has been terminated unlawfully.

Article 28 - Procedure for considering applications and notification on the issues regarding Georgian citizenship

1. The procedure for considering applications for granting or terminating Georgian citizenship and procedure for considering notification on the loss of Georgian citizenship, as well as the procedure for granting Honorary Georgian citizenship, shall be determined by a regulation approved by a decree of the President of Georgia.

2. Communication with the applicant may be carried out electronically under the legislation of Georgia.

Article 29 - Appealing decisions made on the issues regarding Georgian citizenship

1. Decisions of the President of Georgia on the issues regarding Georgian citizenship, except for the negative decision on granting Georgian citizenship by way of exception, may be appealed in court as provided for by the legislation of Georgia. Where a person appeals a decision of the President of Georgia on issues regarding Georgian citizenship in court, the President of Georgia shall act as a defendant.

2. The conclusion of the Agency on the issues regarding Georgian citizenship that independently gives rise to legal implications, is an administrative-legal act. It may be appealed in court as provided for by the legislation of Georgia.

Chapter V

Transitional and Final Provisions

Article 30 - Establishing Georgian citizenship

Other than persons who have acquired or will acquire Georgian citizenship under this Law, the following shall be deemed Georgian citizens:

a) persons born before 31 March 1975, who have resided in Georgia for a combined period of at least five years, who were in the territory of Georgia on 31 March 1993, and have not acquired citizenship of another country;

b) persons born after 31 March 1975, who resided in Georgia on 31 March 1993 and have not acquired foreign citizenship;

c) persons born in the territory of Georgia who have left the territory of Georgia after 21 December 1991, and thus do not meet the requirements of subparagraphs (a) and (b) of this article, unless they have acquired foreign citizenship.

Article 31 - Special procedure for granting Georgian citizenship to persons born in Georgia

Persons born in the territory of Georgia, whose Georgian citizenship cannot be established under Article 30 of this Law, may acquire Georgian citizenship if he/she meets the requirements specified in Article 12(1)(b) and (c) and if there are no grounds specified in Article 16 of this Law.

Article 32 - Invalid normative acts

Upon the entry into force of this Law, the Organic Law of Georgia on Georgian Citizenship of 25 March 1993 (The Gazette of the Parliament of Georgia, No 5, March 1993, Art. 66) shall be declared invalid.

Article 33 - Measures to be taken for this Law to enter into force

The President of Georgia shall ensure that subordinate acts are brought into compliance with this Law within two months after this Law takes effect.

Article 34 - Entry into force

1. This Law shall enter into force on the 30th day after its promulgation.

2. Articles 30 and 31 of this Law shall remain in force until 31 December 2018.

President of Georgia **Giorgi Margvelashvili**

Kutaisi,

30 April 2014

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