

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Rules for Acquisition and Loss of Citizenship of Georgia

Recent developments in the country raised a number of questions among public regarding the rules for acquiring and losing citizenship of Georgia. We deem it expedient to briefly clarify statutory requirements for acquisition and loss citizenship of Georgia.

Citizenship of Georgia may be acquired at birth, by naturalization or on the basis of other grounds provided for by international treaties to which Georgia is a party and this Law.

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Under the Organic Law of Georgia on Citizenship of Georgia, Citizenship of Georgia may be granted to person that has reached age of maturity, if he or she meets the following requirements:

- (a) has been permanently residing within the territory of Georgia during the past five 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, or is pursuing entrepreneurial activities on the territory of Georgia, or is holding a stock or shares in a Georgian company.

Although a citizen of Georgia may not be holding citizenship of another state, under the Constitution of Georgia, “citizenship of Georgia shall be granted by the President of Georgia to a citizen of foreign country, who has a special merit before Georgia or grant the citizenship of Georgia to him/her is due to State interests”. In such case, a president of Georgia can grant citizenship to such person notwithstanding whether he or she meets general requirements for acquiring the citizenship (i.e. whether he or she has been permanently residing within the territory of Georgia during the past five years, whether he or she knows the state language, history, etc.).

As for cases of loss of citizenship of Georgia, in accordance with the aforementioned Law of Georgia, a person loses the citizenship 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;
- (c) acquires citizenship of another state.

The law authorizes the Civil Registry Agency to review issues related to acquisition and loss of citizenship of Georgia and to prepare findings. However, the noted procedure is not sufficient for loss or acquisition of the citizenship. The findings are

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referred to the president of Georgia as the exclusive right to make decisions on such issues is vested in him.

Correspondingly, until the President issues corresponding decree (or order), a person concerned may not legally acquire or lose the citizenship, even if relevant findings of the Civil Registry Agency do exist. If a person's citizenship of Georgia has been terminated, he or she has the right to appeal against the president's order in court. After admission of the application in court before the final decision is made, the appealed order is considered as temporarily ineffective. Correspondingly, throughout the period of court dispute, the person concerned is deemed as a citizen of Georgia. Whereas, if the order appealed in court has already been informed by the time the application is admitted in court, court has the authority to revoke enforcement if motioned by a party. In the noted case, the person concerned is deemed as a citizen of Georgia throughout the period of court dispute.

In addition to appealing in court, a person whose citizenship has been terminated and is not a citizen of another country, has the right to apply to the President of Georgia once more with a request to acquiring citizenship. Under the Law, if the person meets general requirements for acquiring the citizenship (has been permanently residing within the territory of Georgia during the past five years, knows the state language and history, is pursuing entrepreneurial activities on the territory of Georgia, etc.), the person may not be granted citizenship of Georgia if he or she (a) committed an international crime against peace and humanity, (b) participated in a crime against the state as provided for in the Georgian legislation, (c) based on the interests to protect the state and/or public safety, it is inexpedient to grant him or her with Georgian citizenship.

A person holding the citizenship of a foreign country has the right to apply to the President of Georgia for acquisition of citizenship of Georgia and request the so-called "double citizenship". In such cases, the President should decide whether the person concerned has a special merit before Georgia or whether granting the citizenship of Georgia to him/her is due to State interests. If any of the aforementioned grounds are evident, the President grants the person with the citizenship.

In any case, refusal to grant the citizenship should be substantiated and it should specifically indicate corresponding factual and legal grounds. The person concerned also has the right to appeal in court against the president's order to refuse citizenship

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of Georgia to him/her.