

**Decree**  
**on Consideration and Decision-Making on Matters of Georgian Citizenship**

**Chapter I**  
**General Provisions**

**Article 1.**

The Decree on Consideration and Decision-Making on Matters of Georgian Citizenship (hereinafter referred to as Decree) concerns the issues of granting and terminating Georgian citizenship and determines, in accordance with the Organic Law of Georgia on Citizenship of Georgia (hereinafter referred to as Law), the procedures of considering and deciding on awarding citizenship of Georgia (ordinary procedure of awarding Georgian citizenship, simplified procedure of awarding Georgian citizenship, award of citizenship of Georgia as an exception, award through restoration of citizenship of Georgia, ascertainment of citizenship of Georgia) and terminating citizenship of Georgia (abandonment of citizenship of Georgia, loss of citizenship of Georgia), also awarding honorable citizenship of Georgia, executing decisions on citizenship matters and keeping statistics on citizenship matters.

**Article 2.**

1. Terms used in this Decree have the same meaning as defined in the Law.
2. For the purposes of this Decree, the terms listed below have the following meaning:
  - a) Authorized entity – the legal entity in public law, Public Service Development Agency, operating under the Ministry of Justice of Georgia (hereinafter referred to as Agency); territorial branches of the Agency (hereinafter referred to as Territorial Branch); Georgia’s diplomatic representations or consulates abroad, or interests sections set up in diplomatic representations of third countries (hereinafter referred to as Diplomatic Representation or Consulate);
  - b) Unified Register – Agency’s unified data register on Georgian citizens and foreigners residing in Georgia;
  - c) Interested person – a person for the protection of whose interests the Agency or its Territorial Branch undertake administrative proceeding;

- d) Applicant – an interested party, his/her legal representative or a person acting under a power of attorney.

### **Article 3.**

1. Citizenship of Georgia means a legal bond of a person to Georgia.
2. In Georgia there is a single citizenship. A citizen of Georgia shall not at the same time be a citizen of another state, save in exceptional cases stipulated in Article 17 of the Law.

### **Article 4.**

1. Citizenship of Georgia may be acquired at birth and by naturalization. Naturalization is carried out by President of Georgia through awarding Georgian citizenship.
2. Types of naturalization are:
  - a) Awarding citizenship following an ordinary procedure – granting Georgian citizenship to stateless persons or citizens of other countries;
  - b) Awarding citizenship following a simplified procedure – granting Georgian citizenship to persons having married Georgian citizens or to persons with repatriate status;
  - c) Awarding citizenship as an exception - granting Georgian citizenship to citizens of foreign countries by President of Georgia in accordance with Paragraph 2, Article 12 of the Constitution of Georgia;
  - d) Awarding citizenship through restoration – restoring Georgian citizenship to a person whose citizenship of Georgia has been terminated.

### **Article 5.**

1. Upon acquiring the citizenship of another country, a person's citizenship of Georgia shall be terminated, save for those persons who have been granted Georgian citizenship as an exception.
2. Types of termination of Georgian citizenship are:
  - a) Abandonment of Georgian citizenship – when a person renounces his/her Georgian citizenship;
  - b) Loss of Georgian citizenship:
    - b.a) when a person, without permission of competent Georgian authorities, becomes a member of foreign army, police, or security services;
    - b.b) when a person acquires citizenship of Georgia by submitting false documents;
    - b.c) when a citizen of Georgia acquires citizenship of another state save for those citizens of Georgia who have been granted Georgian citizenship as exception.

## **Chapter II**

### **Procedure for Submitting Application for Georgian Citizenship**

#### **Article 6.**

1. An interested person shall submit his/her application for citizenship of Georgia to the authorized entity either in person or through his/her representative.
2. An applicant shall submit an application of the form as established in this Decree for the acquisition of Georgian citizenship, ascertainment of Georgian citizenship, abandonment of Georgian citizenship or loss of Georgian citizenship, and documents needed for the consideration of these matters, to Agency or Territorial Branch, or if an applicant is abroad – to Georgia’s Diplomatic Representation or Consulate. In the case specified in Paragraph 2, Article 12 of the Constitution of Georgia, an applicant may directly apply to President of Georgia or send him/her an application and documents needed for consideration of the issue.
3. Within three days of the submission of application for citizenship and documents needed to consider thereof, Georgia’s Diplomatic Representation or Consulate shall send them in hard copy or electronic form to the Agency either directly or via the Ministry of Foreign Affairs of Georgia.
4. In the event the application concerning citizenship and accompanying documents needed to consider thereof are sent electronically, Georgia’s Diplomatic Representation or Consulate shall send a hard copy of application and documents at the end of each quarter.
5. Georgia’s Diplomatic Representation or Consulate is responsible to ensure that documents sent in hard copy or electronic form are identical.

#### **Article 7**

1. In the process of considering an application and decision-making on citizenship issue the Agency and other administrative entities may communicate in a physical or electronic form in accordance with the established rule.
2. Communication with an interested person is performed sending him/her a corresponding notice or publishing a document on the webpage of the Agency. When submitting an application to the Agency, an applicant also may indicate an additional means of communication with the Agency – an email.

#### **Article 8.**

1. An applicant submits an application for citizenship either in person or in accordance with the rule set forth in Article 16 of this Decree.
2. In the event of a physical disability, illness or other plausible excuse, an application and corresponding documents are signed on behalf and upon the instruction of an interested person by another person and this signature is either notarized or certified by an authorized person from an entity having received the application.
3. A signature of a person living abroad can be certified by an authorized person from Georgia's Diplomatic Representation or Consulate.
4. An authorized person may express his/her consent to render a service envisaged in this Decree and a person authorized to submit an application may grant representation power to a third person in the case specified in Paragraph 2, Article 16 of this Decree.

#### **Article 19.**

1. An applicant for matters of citizenship of Georgia shall submit:
  - a) An application completed in an established form;
  - b) A photo, size 3X4;
  - c) A document certifying the payment of service fee;
  - d) Other documents needed for considering an issue envisaged in this Decree.
2. The payment of fee for the consideration of matter of citizenship shall be certified by a receipt issued by a banking institution of Georgia, whilst in case of the payment made in a foreign country – by a receipt issued by a banking institution of a corresponding country.
3. The submission of a receipt is not required if the service fee has been paid in the form of non-cash payment and the Agency can check the fact of payment by using electronic means of communication.
4. An application for a matter of citizenship shall be considered as delivered from the date when it was registered in the electronic system of management of citizenship and migration.
5. When submitting an application to an authorized entity equipped with Agency's electronic data bases, an applicant shall be handed a reminder card which, alongside other information, shall indicate a form of communication with an interested person. The form of reminder card is approved by an individual administrative-legal act of the Chairman of Agency.

#### **Article 10.**

1. An application for a matter of citizenship and accompanying documents shall be in the state language. Documents drawn up in any other language shall be submitted in a duly certified form together with a Georgian translation which is either notarized or is made and certified by a high official of Consulate. The Agency may receive an application for the acquisition of Georgian citizenship as exception and for the acquisition of citizenship following a simplified procedure by a person with repatriate status in a language other than the state language.
2. Documents issued in a foreign country shall be submitted in a physical form, after them being duly legalized and certified by apostille, if not otherwise specified in an international treaty or agreement of Georgia.
3. Agency may accept a passport of a foreign citizen without observing the requirement stipulated in Paragraph 1 of this Article if it contains Latin transliteration of personal data of an applicant.
4. On the basis of submission or in case of consideration of the issue of abandoning Georgian citizenship upon one's own initiative, documents issued by a foreign country may be accepted by Agency for consideration without a Georgian translation as well as without them being duly legalized and certified by apostille.

#### **Article 11.**

1. An issue of citizenship of a minor or an incapable person is considered on the basis of an application submitted by their legal representative.
2. An application of a legal representative of a minor aged between 14 and 18 years shall be enclosed with a consent of the minor and another parent (in case of existence of such) in writing. The minor is not required to submit consent if he/she is simultaneously an incapable person.
3. A consent of a legal representative of a minor or an incapable person shall be expressed:
  - a) In writing in a duly certified form;
  - b) In writing in the presence of an authorized person of Agency or a high official of Consulate;
  - c) By submitting a form of consent available on the Agency's webpage through the use of electronic ID document;
  - d) By expressing consent to an authorized person of Agency through a means of electronic communication, provided that a person issuing consent is identifiable and his/her ID is verifiable through information available in the electronic database of the Agency.
4. Consent expressed in the presence of persons specified in Subparagraph b), p)aragraph 3 of this Article shall be certified by signatures of these persons.

**Article 12.**

1. If when considering citizenship matters, there is no information in the Agency's electronic database about the issuance of ID document or the entry with a photo created during the registration process, or even while photo is available, identicalness of a person with a photo attached to an application cannot be established due to time lapse or other reasons, the identicalness of a person featured on the photo with the data of a person indicated in the application may be certified by an adult citizen of Georgia in the presence of an authorized representative of an accepting entity (certification of photo identity).
2. If a minor does not have a document with a photo, the identicalness of a person featured on the photo with the data of a minor indicated in the same application may be certified in writing by the applicant.

**Article 13.**

1. An applicant shall, together with an application, submit all documents necessary for considering a citizenship matter. In the event the documentation is incomplete, the Agency, within three days of the documentation being registered, shall define a reasonable timeframe for the elimination of shortcoming to the applicant.
2. If an applicant fails to submit a relevant document or information within the timeframe defined by the Agency, the Agency may take a decision on denying the consideration of the application.
3. An applicant shall submit documentation specified in this Decree in the event the relevant data is not available in the unified register of Agency.
4. To consider and decide on the issue, the Agency may request a document or/and information, needed to establish important circumstance, from the applicant on any stage of administrative proceeding.
5. Until the timeframe defined by the Agency to an applicant for the submission of document or/and information expires, the term for consideration of application is deemed suspended.

**Article 14.**

In the event an applicant stops being interested in the matter of Georgian citizenship, he/she may, on any stage of administrative proceeding, apply to the Agency for the termination of administrative proceeding.

**Article 15.**

1. The timeframe for a decision-making on Georgian citizenship matters shall be maximum three months of the date of an application/proposal being registered.
2. The timeframe for a final decision on the issue of establishing a legal bond of Georgia shall not exceed 15 calendar days after the date of registering an application in a relevant entity, whilst in case of an application for establishing the legal bond of a person to Georgia submitted to Georgia's Diplomatic Representation or Consulate – five calendar days.
3. The counting of the term specified in Paragraph 1 of this Article may be suspended for the period from the submission of documentation until the arrival of a foreign citizen to Georgia if the Agency, when considering an issue of suitability of awarding Georgian citizenship to a foreign citizen, deems it necessary to personally interview the applicant.
4. If for taking a decision on the establishment of a legal bond to Georgia it is necessary to request information from or seek confirmation of information by state entities and legal persons, timeframe for a final decision on the issue of establishing a legal bond to Georgia specified in Paragraph 2 of this Article may be extended for a maximum period of one month.

#### **Article 16.**

1. An application in electronic form shall be accepted in accordance with the rule set forth in this Decree, taking into account peculiarities specified in this Article.
2. An application submitted in electronic form shall be acceptable if the application is certified with a digital signature of an applicant or the electronic communication allows a direct visual contact between the applicant and a person authorized to accept the application.
3. Documents needed for the consideration of citizenship issue shall be submitted in a physical form within 20 days after the registration of electronic application.
4. Documents issued in foreign country may be accepted in electronic form, without supplying an original copy of the documents, provided that the authenticity of the fact of apostille or legalization of these documents can be checked through a relevant electronic register or other means.
5. If a reasonable doubt arises in relation to the identity of an applicant, Agency may refuse to accept the application or to consider submitted application in accordance with the rule stipulated in this Article. The refusal to render service before accepting an application may be made in oral form which shall be evidenced with a video recording of visual contact.
6. The Agency shall ensure that video recording of visual contact be stored in electronic form.

## Chapter III

### Procedure for Consideration of Matters of Georgian Citizenship

#### Article 17.

1. To find out whether there are grounds of denial to award citizenship through naturalization envisaged in Article 16 of the Law, the Agency shall, within three days of an application been submitted by an interested person/applicant, approach the Ministry of Internal Affairs of Georgia and the Intelligence Service of Georgia, whilst to obtain information about circumstances impeding the abandonment of Georgian citizenship, the Agency shall approach the Finance Ministry and Ministry of Internal Affairs of Georgia.
2. The rule set in Paragraph 1 of this Article does not apply to award of Georgian citizenship by an ordinary procedure to persons with refugee status who were born in Georgia and lived in Georgia for a period of five years or stateless minors in Georgia.
3. State entities specified in Paragraph 1 of this Article shall furnish the Agency with the information needed for considering an issue of citizenship within six days after receiving a relevant request. If this timeframe is not enough for supplying the information, a relevant entity shall notify the Agency in writing about that and the entity shall be given an additional two-day period of time.
4. If state entities fail to provide relevant information within the timeframe specified in Paragraph 3 of this Article, it will be deemed that there are not any circumstances impeding the award of Georgian citizenship or the abandonment of Georgian citizenship. In such a case, the Agency shall finalize the consideration of the issue within the timeframe set in this Decree.

#### Article 18.

1. In the process of considering matters of citizenship the Agency establishes a legal bond of an interested person to Georgia.
2. In the process of considering matters of citizenship the Agency may:
  - a) Invite an applicant or an interested person, a representative of a body submitting a proposal, as well as a person whose invitation may be important to study circumstances related to a case under consideration, and obtain from them documentation and explanations needed for the consideration of the case;
  - b) Obtain necessary documentation and written conclusions regarding the case under consideration from state or local self-government bodies as well as other organizations.



## **Article 19.**

1. A person seeking Georgian citizenship on the grounds specified in Articles 12, 14, 15 and 31 of the Law shall, during the consideration of the case, undertake a test in Georgian or Abkhazian language, also, in history of Georgia and fundamentals of the Georgian law for assessing his/her knowledge in these areas within the established limits; a person seeking the restoration of Georgian citizenship shall undertake a test in Georgian or Abkhazian language. A person whose incapability or physical disability makes it impossible to assess whether he/she meets the abovementioned requirement is not subject to testing.
2. An interested person's knowledge of state language, history of Georgia and fundamentals of the law within the established limits is assessed by the Commission on Citizenship Issues (hereinafter referred to as Commission).
3. The Commission consists of four members appointed by the Chairman of Agency. Two members of Commission (including the Chairman of Commission) are appointed from among the employees of Agency whilst each of two remaining members is appointed from among employees of the Ministry of Internal Affairs of Georgia and the Administration of President of Georgia, upon the submission of these entities.
4. A Commission sitting shall be effective when attended by more than half of its members. A decision shall be taken through open ballot by a simple majority of votes of members attending the sitting. In the event votes are divided equally, the Chairman's vote shall be decisive. The rule of activity of Commission shall be defined by an order of the Minister of Justice.
5. The Commission evaluates a person's knowledge of state language, history of Georgia and fundamentals of the law within the limits established in the Law. To evaluate the knowledge of state language, history of Georgia and fundamentals of the law within the established limits, the Commission may invite specialists of relevant fields.
6. When assessing the knowledge of state language, history of Georgia and fundamentals of the law, the Commission takes either of the following two decisions:
  - a) A level of knowledge meets the requirements established for the acquisition of Georgian citizenship;
  - b) A level of knowledge does not meet the requirements established for the acquisition of Georgian citizenship.
7. In considering the award of citizenship as an exception, the Commission establishes the existence of conditions envisaged in Paragraph 2, Article 12 of the Constitution of Georgia in relation to a seeker of citizenship on the basis of internal belief, taking into account important circumstances for that.

## **Article 20.**

1. Information received from the Ministry of Internal Affairs of Georgia or the Intelligence Service of Georgia shall not become an unconditional ground for denying Georgian citizenship to a person except for in cases when there are grounds for that specified in Subparagraphs a) and b), Paragraph 1 of Article 16 of the Law. In such a case, the Agency draws up a negative conclusion and notifies an applicant about it within three days.
2. If conditions, specified in Subparagraph c), Paragraph 1 of Article 16 of the Law, for the denial of Georgian citizenship exist, the Agency draws up a negative conclusion and sends it to President of Georgia for a final decision. In such a case, Georgian President, if he takes a positive decision, needs to substantiate his decision.
3. If information provided by relevant entities indicate no grounds for denying Georgian citizenship to a person or information is not provided within the defined timeframe after case materials have been sent, it shall be deemed that no grounds specified in Article 16 of the Law exist to deny Georgian citizenship to a person seeking citizenship and the consideration of the issue must be continued in accordance with the rule established in this Decree.
4. After receiving information from the Ministry of Internal Affairs of Georgia or/and the Intelligence Service of Georgia about the absence of circumstances impeding the award of Georgian citizenship as an exception, also, in the event of not receiving information from these entities within 10 days of case materials being sent to them, the Commission shall consider the issues of conditions stipulated in Paragraph 2, Article 12 of the Constitution of Georgia in relation to a foreign citizen and takes a decision on the existence or non-existence of conditions for awarding Georgian citizenship as an exception. The Commission's decision is drawn up as a protocol.
5. If Commission establishes that there is no condition stipulated in paragraph 2, Article 12 of the Constitution of Georgia in relation to a person seeking the acquisition of Georgian citizenship as an exception, the Agency draws up a negative conclusion and notifies the applicant about it within three days' time, whereas if Commission establishes conditions stipulated in Paragraph 2, Article 12 of the Constitution of Georgia, the Agency's substantiated conclusion is sent to President of Georgia for a final decision.
6. If when establishing the knowledge of state language, history of Georgia and fundamentals of the law, as specified in Articles 12, 14, 15 and 31 of the Law, of a person seeking Georgian citizenship, the Commission establishes that the knowledge of a seeker of citizenship does not meet the requirements, an applicant shall be notified of a negative conclusion of Agency within three days.
7. A substantiated conclusion of Agency on the existence of grounds, stipulated in the Law, for the award of Georgian citizenship, the abandonment of Georgian citizenship and the loss of Georgian citizenship is sent to President of Georgia.

## **Article 21.**

1. In the event of taking a negative decision on the abandonment of Georgian citizenship and the loss of Georgian citizenship, the Agency sends a substantiated conclusion to an applicant within three days.
2. A decision on the award of Georgian citizenship, the abandonment of Georgian citizenship and the loss of Georgian citizenship is taken by President of Georgia on the basis of conclusion submitted by the Agency.
3. If an application and a proposal on the award of Georgian citizenship, the abandonment of Georgian citizenship and the loss of Georgian citizenship is satisfied, President of Georgia issues an order whilst in the event of negative decision – an instruction.
4. An order of President of Georgia on the award of Georgian citizenship to a foreign citizen (except for the award of Georgian citizenship as exception) enters into force upon the receipt by the authorized entities of a document certifying the abandonment by this person of other country's citizenship.
5. An order of President of Georgia on the abandonment by a person of Georgian citizenship enters into force:
  - a) Upon the submission of a document to Agency, certifying the acquisition of foreign citizenship by a person;
  - b) On the 15<sup>th</sup> day of signing, if a submitted document which has been issued by a competent authority of another country, clearly proves that in case a person abandons Georgian citizenship he/she will necessarily be awarded the citizenship of a relevant country.
6. Administrative entities shall immediately notify the Agency about the occurrence of circumstance stipulated in Subparagraph a), Paragraph 5 of this Article of the enactment of the order of President of Georgia on abandoning Georgian citizenship by a person, and within five days after receiving a document certifying the citizenship of a foreign country ensure that the document be sent to the Agency.
7. The failure to issue an order within a week's time after a corresponding draft legal act has been submitted to President of Georgia shall be considered the refusal to satisfy the issue of Georgian citizenship.
8. The failure of President of Georgia to issue a legal act within a week's time after having studied negative conclusion submitted by the Agency shall also be considered the refusal to satisfy the issue of Georgian citizenship.

## **Article 22.**

1. A person who has acquired citizenship of Georgia through naturalization, except for cases envisaged in Paragraphs 2 and 3, Article 12 of the Law, signs a text of oath of allegiance to Georgia when taking an ID document of citizen of Georgia (Annex №7).
2. The signed text of oath is sent to Agency which ensures that it is stored alongside case materials of the award of Georgian citizenship.

### **Article 23.**

A conclusion of Agency on matters of Georgian citizenship, which independently gives rise to legal consequences, and a decision of President of Georgia, save for a negative decision on granting Georgian citizenship as exception, can be appealed in court in accordance with the rule established by Georgian legislation.

### **Article 24.**

In case of a negative decision on an application of acquiring Georgian citizenship through naturalization, a person may apply for the same to authorized entity after six months of the negative decision been taken.

## **Chapter IV**

### **Acquisition of Georgian Citizenship by Birth**

### **Article 25.**

1. Georgian citizenship is acquired by birth by:
  - a) A person with one of parents being Georgian citizens at the time of the birth of that person;
  - b) A person born in the territory of Georgia as a result of extracorporeal fertilization (surrogating), if neither of his/her parents' countries of citizenship considers him/her as its citizen;
  - c) A child of stateless persons in Georgia, who has been born in the territory of Georgia;
  - d) A person born in the territory of Georgia, whose one parent is a stateless person in Georgia whilst another parent is unknown.
2. For acquiring Georgian citizenship by birth pursuant to Subparagraph b), Paragraph 1 of this Article, a document issued by a competent authority of the country of citizenship of parent(s) shall be submitted, denying its citizenship to this person.
3. If in the process of considering the issue of acquiring Georgian citizenship by birth the Agency does not have evidence about a bond of this person to Georgia or other country, the Agency is entitled to inquire with a competent authority of a foreign country about a citizenship of the person. In the event the information is not received before the expiry of the term of administrative proceeding on the legal bond of a person to Georgia, the

interested person is not considered a citizen of a foreign country and is considered a citizen of Georgia until the opposite has been established.

## **Chapter V**

### **Award of Georgian Citizenship Following an Ordinary Procedure**

#### **Article 26.**

1. A person who is not a Georgian citizens by birth shall be awarded Georgian citizenship following the ordinary procedure if he/she:
  - a) Has been legally and uninterruptedly residing in Georgia for at least five years prior to the date of submitting an application for citizenship of Georgia;
  - b) Knows the state language within the established limits;
  - c) Knows the history and fundamentals of law of Georgia within the established limits;
  - d) Has a job or/and any real estate in Georgia, or is engaged in entrepreneurial activities on the territory of Georgia, or has shares in an enterprise in Georgia.
2. A seeker of Georgian citizenship under the ordinary procedure shall submit the following documents to an authorized entity:
  - a) A copy of birth certificate (if a person seeking Georgian citizenship under the ordinary procedure was born abroad and possesses the mentioned document);
  - b) A document certifying his/her legal and uninterrupted stay in the territory of Georgia (a visa, residence permit or certificate, a stamp bearing the date certifying the crossing of the state border of Georgia);
  - c) A document certifying that a person has a job or/and any real estate in Georgia, or is engaged in entrepreneurial activities on the territory of Georgia, or has shares in an enterprise in Georgia.
3. A seeker of Georgian citizenship under the ordinary procedure, who has the status of refugee or the status of stateless person in Georgia, shall submit the following documents to an authorized entity:
  - a) A copy of birth certificate (if a person seeking Georgian citizenship under the ordinary procedure was born abroad and possesses the mentioned document);
  - b) A document certifying his/her legal and uninterrupted stay in the territory of Georgia (a visa, residence permit or certificate, a stamp bearing the date certifying the crossing of the state border of Georgia).

#### **Article 27.**

1. An underage person who is not a Georgian citizens by birth shall be awarded Georgian citizenship under the ordinary procedure if one of his/her parents is a citizen of Georgia.
2. An underage person shall be awarded Georgian citizenship under the ordinary procedure if he/she has been adopted by a citizen of Georgia.
3. An underage person with the state of refugee or status of stateless person in Georgia, who has been residing in Georgia for five years, shall be awarded Georgian citizens under the ordinary procedure.
4. To award Georgian citizenship to an underage person under the ordinary procedure in accordance with the Paragraph 1 of this Article, the following documents shall be submitted to an authorized entity:
  - a) A document certifying the citizenship of Georgia of a parent;
  - b) A copy of birth certificate if the underage person a person seeking Georgian citizenship under the ordinary procedure was born abroad.
5. To award Georgian citizenship to an underage person in accordance with the Paragraph 2 of this Article, the following documents shall be submitted to an authorized entity:
  - a) A document certifying the citizenship of Georgia of an adopter;
  - b) A document certifying the adoption of the interested person.
6. To award Georgian citizenship to an underage person in accordance with the Paragraph 3 of this Article, the following documents shall be submitted to an authorized entity:
  - a) A document certifying that an underage has been residing in Georgia for five years;
  - b) A document certifying the status of refugee of an underage person or status of stateless person in Georgia;
  - c) A document certifying the registration of an application for establishing the status of refugee.
7. In the case specified in Paragraph 3, the term of residing in the territory of Georgia will be counted from the date of registration of an application for establishing the status of refugee.

#### **Article 28.**

1. A foreign citizen may apply to the authorized entity for the acquisition of Georgian citizenship under the ordinary procedure. An order of President of Georgia on the award of Georgian citizenship enters into force right after the competent authorities of Georgia receive a document certifying the abandonment of foreign citizenship by the applicant.
2. A foreign citizen seeking Georgian citizenship under the ordinary procedure shall submit the following documents to an authorized entity:
  - a) A copy of birth certificate (if a person seeking Georgian citizenship under the ordinary procedure was born abroad and possesses the mentioned document);

- b) A document certifying foreign citizenship of a person (ID card, passport or a certificate on citizenship issued by a competent authority of foreign country);
- c) A document certifying a person's legal and uninterrupted stay in the territory of Georgia (a visa, residence permit or certificate, a stamp bearing the date certifying the crossing of the state border of Georgia);
- d) A document certifying that a person has a job or/and any real estate in Georgia, or is engaged in entrepreneurial activities on the territory of Georgia, or has shares in an enterprise in Georgia.

**Article 29.**

When performing a citizenship award procedure, the Agency shall check in its unified register the fact of an interested person uninterruptedly residing in the territory of Georgia for the term established by the law.

**Chapter VI**

**Award of Georgian Citizenship under the Simplified Procedure**

**Article 30**

1. A person married to a Georgian citizens, who has been legally and uninterruptedly residing in Georgia for two years prior to the submission of application for the acquisition of Georgian citizenship, shall be awarded Georgian citizenship under simplified procedure if he/she:
  - a) Knows the state language within the established limits;
  - b) Knows the history and fundamentals of law of Georgia within the established limits.
2. A person seeking Georgian citizenship under a simplified procedure shall submit the following documents to the authorized entity:
  - a) A copy of birth certificate (if a person seeking Georgian citizenship was born abroad and possesses the mentioned document);
  - b) A copy of the document certifying the marriage with a Georgian citizen (a marriage certificate or a court decision on establishing a relevant legal fact);
  - c) A document certifying Georgian citizenship of his/her spouse;
  - d) A document certifying his/her legal and uninterrupted stay in the territory of Georgia for the last two years (a visa, residence permit or certificate, a stamp bearing the date certifying the crossing of the state border of Georgia).

3. When submitting an application for Georgian citizenship under the simplified procedure, the applicant shall have and upon a request present the documents certifying his/her identity (ID residence) certificate, passport).

#### **Article 31.**

1. A person with a repatriate status in Georgia may, within two years of acquiring the status of repatriate, may apply to the authorized entity with the request of acquiring Georgian citizenship under the simplified procedure and submit the following documents:
  - a) A copy of birth certificate (if an applicant for Georgian citizenship is an underage person, born abroad);
  - b) A document certifying the status of repatriate.
2. If a person with repatriate status does not know Georgian or English and is not in Georgia, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia will fill in an application for Georgian citizenship under a simplified procedure on the basis of information existing in electronic database and will send it electronically to the Ministry of Foreign Affairs of Georgia which, in turn, will forward it to a relevant Diplomatic Representation or Consulate of Georgia abroad.
3. Within two years after the issuance of an order on awarding Georgian citizenship under a simplified procedure, a person with repatriate status shall submit an official document certifying his/her abandonment of foreign citizenship to the Agency or Georgia's Diplomatic Representation or Consulate abroad. In the event of a failure to submit an official document certifying the abandonment of foreign citizenship without a plausible excuse, an order of the President of Georgia shall be deemed nil and void.
4. In case of breach of terms specified in Paragraphs 1 and 3 of this Article, without plausible excuse, a person with repatriate status shall not be awarded Georgian citizenship under a simplified procedure.

### **Chapter VII**

#### **Consideration of Award of Georgian Citizenship as Exception**

#### **Article 32.**

1. Pursuant to Paragraph 2 of Article 12 of the Constitution of Georgia, the President of Georgia may grant, as an exception, Georgian citizenship to a citizen of a foreign



country, who has a special merit before Georgia or award of the citizenship of Georgia to him/her is due to State interests.

2. To have an issue of granting Georgian citizenship as an exception considered, a foreign citizen must enclose his/her application with the following documents:
  - a) A copy of birth certificate (if an applicant for Georgian citizenship was born abroad and possesses this document), whilst in case of granting citizenship of Georgia to a minor, a copy of birth certificate and a written consent of his/her legal representative;
  - b) A passport or other document certifying his/her citizenship and identity;
  - c) At least two reference letters from Georgian citizens or legal persons registered in Georgia regarding the award of Georgian citizenship to a citizen of a foreign country.
3. A reference letter on the award of Georgian citizenship to a citizen of a foreign country shall not be issued by an employee of administrative body which participates or/and has a direct link to administrative proceeding concerning the award of citizenship.

#### **Article 33.**

1. For the aim of establishing important circumstances for a case, the Commission, when considering an issue of suitability of awarding Georgian citizenship as an exception to a foreign citizen, may invite a foreign citizen for an interview. In case of need, the interview may be conducted by telephone or electronic communication. For the aim of establishing important circumstances for a case, the Commission may also invite other person for an interview, request documents and information from various entities and organizations.
2. When establishing the presence of conditions specified in Paragraph 2 of Article 12 of the Constitution of Georgia, the Commission takes one of the two decisions:
  - a) Establishing that conditions specified in Paragraph 2 of Article 12 of the Constitution of Georgia exist in relation to a person;
  - b) Establishing that conditions specified in Paragraph 2 of Article 12 of the Constitution of Georgia do not exist in relation to a person.

#### **Article 34.**

1. Based on information received from the Ministry of Internal Affairs of Georgia and the Intelligence Service of Georgia and the protocol of the Commission, the Agency draws up a conclusion on:
  - a) Unsuitability of granting Georgian citizenship to a citizen of foreign country;
  - b) Suitability of granting Georgian citizenship to a citizen of foreign country;

- c) Incompliance of an issue of awarding Georgian citizenship, as an exception, to a foreign citizen with the conditions specified in Paragraph 2 of Article 12 of the Constitution of Georgia.
2. In the event the Agency establishes that a person is a citizen of Georgia and there is a ground envisaged in the Georgian legislation of him/her losing Georgian citizenship, the Agency launches administrative proceeding and prepares a common conclusion on a foreign citizen's losing the Georgian citizenship and at the same time, granting him/her Georgian citizenship as an exception.
3. The Agency supplies the conclusion specified in Subparagraphs a) and b) of this Article together with case materials (an application of a person seeking Georgian citizenship as exception, the protocol of Commission, a document certifying a citizenship of foreign country; whilst together with a conclusion drawn up in accordance to Subparagraph a) of this Article, the information received from the Ministry of Internal Affairs of Georgia and the Georgian Intelligence Service about the existence of grounds envisaged in subparagraph c) of this article) to President of Georgia for a final decision.
4. Based on relevant decisions, legal acts of President of Georgia on matters of Georgian citizenship shall be drafted by the Department for Granting Awards, Citizenship and Pardon of President's Administration (hereinafter referred to as Department).
5. If an application of a foreign citizens is satisfied when the Agency submits to President of Georgia a conclusion on a foreign citizen losing Georgian citizenship on the grounds specified in Article 21 of the Law and at the same time granting him/her Georgian citizenship, President of Georgia shall issue an order on the termination of Georgian citizenship of a foreign citizen and at the same time, granting Georgia citizenship to him/her as an exception.

## **Chapter VIII**

### **Procedure of Awarding Georgian Citizenship as Exception on Initiative of President of Georgia**

#### **Article 35.**

1. Pursuant to Paragraph 2 of Article 12 of Constitution of Georgia and Paragraph 2 of Article 25 of the Law, President of Georgia may, as an exception, award citizenship of Georgia, without observing procedures envisaged by the Law, to a citizen of foreign country, who has a special merit before Georgia or award of the citizenship of Georgia to whom is due to State interests.
2. A decision of President of Georgia on granting Georgian citizenship to a citizen of a foreign country requires substantiation of reasons.

#### **Article 36.**

1. Upon his initiative, President of Georgia awards, as an exception, citizenship of Georgia to a citizen of foreign country on the basis of a documents certifying the person's citizenship of a foreign country and a motivated personal application.
2. In the event there is a reasonable doubt about a legal bond of a foreign person to Georgia, the Department is entitled to apply to the Agency with the request to establish a person's legal bond to Georgia. The Agency shall present a relevant conclusion within three days of the application.
3. In the event a legal bond of a person to Georgia has been established, President of Georgia shall issue a corresponding order on the termination of Georgian citizenship and simultaneously awarding Georgian citizenship to a foreign citizen.
4. The term of decision making on citizenship specified in this Chapter shall not exceed one month after the date of registration of the documents, specified in Paragraph 1 of Article 1 this Chapter, that have been submitted to the President's Administration.

### **Chapter IX**

#### **Procedure of Considering Issues of Awarding Georgian Citizenship through Restoration of Citizenship**

#### **Article 37.**

1. Georgian citizenship may be restored to a person whose citizenship has been terminated as a result of:
  - a) Unlawful termination of citizenship of Georgia;
  - b) Abandonment of citizenship of Georgia; or
  - c) His or her parent/parents' choice.
2. Georgian citizenship may be restored, provided that:
  - a) A person knows the state language within the established limits;
  - b) There are no grounds envisaged in Article 16 of the Law in relation to a person.
3. In order to have the issue of restoration of Georgian citizenship considered, an applicant shall submit the following documents to the authorized entity:
  - a) Copies of those documents certifying that the interested person was Georgian citizen in accordance with the Law;
  - b) A document certifying unlawful termination of citizenship of Georgia;
  - c) A document certifying the abandonment of Georgian citizenship;
  - d) A document certifying the termination of Georgian citizenship as a result of parents' choice.

4. A person whose Georgian citizenship was terminated as a result of parent/parents' choice may be restored Georgian citizenship upon him/her reaching a full legal age.
5. Georgian citizenship is deemed unlawfully terminated if a person lost Georgian citizenship in the absence of those grounds of losing citizenship which are envisaged by the Law. Criteria set forth in paragraph 2 of Article 18 of the Law shall not apply to the restoration of Georgian citizenship to a person who has been unlawfully deprived of it.
6. A criterion in Subparagraph a), Paragraph 2 of Article 18 of the Law shall not apply to the restoration of Georgian citizenship to a person if due to a person's physical disability it is impossible to verify whether he/she meets the criterion of the mentioned Subparagraph.
7. If a person seeking the restoration of Georgian citizenship is a citizen of foreign country he/she must submit, along with the document specified in Paragraph 3 of this Article, a document specifying his/her citizenship.

## **Chapter X**

### **Procedure of Considering Abandonment of Georgian Citizenship and Loss of Georgian Citizenship**

#### **Article 38.**

1. Citizenship of Georgia may be terminated on the following grounds:
  - a) Abandonment of citizenship of Georgia;
  - b) Loss of citizenship of Georgia;
  - c) In a case specified in Article 11 of the Law.
2. An underage person residing in Georgia, whose parents are unknown, shall be considered as a citizen of Georgia until the contrary has been proved.
3. An applicant seeking the abandonment of Georgian citizenship shall submit the following documents to the authorized entity:
  - a) A copy of document certifying the citizenship of Georgia (ID card of citizen of Georgia, a passport of former Soviet Union, a document certifying registration);
  - b) In case of applicants aged between 18 and 27 – a copy of military service card or a certificate about the postponement of military service, exemption from being drafted or serving in the military service;
  - c) In case of a minor abandoning Georgian citizenship – a copy of birth certificate and a written consent of his/her legal representative.

4. If an applicant seeking the abandonment of citizenship has changed his/her name and surname, he/she may be asked to provide a copy of the document certifying the change of name and surname.

#### **Article 39.**

1. When considering an issue of abandonment of Georgian Citizenship, the Agency, if need be, shall request information from competent authorities showing whether an interested person is accused of committing a crime envisaged in the Penal Code of Georgia and whether a court passed a valid judgment against him/her, which is subject to enforcement, also, whether there are duties to the state which he/she has not fulfilled.
2. State bodies to which a person seeking the abandonment of Georgian citizenship owes unfulfilled duties, may apply to the Agency and present document certifying the failure of the person to fulfill duties to the state (an agreement, a court decision, an enforcement document).
3. The Agency may suspend the consideration of an issue of abandonment of Georgian citizenship until the conditions impeding the process have been eliminated. In case of suspending the consideration of the issue, the term of consideration shall not exceed three months. Upon the expiration of the said term, the procedure stops.

#### **Article 40.**

1. A person shall lose citizenship of Georgia if he or she:
  - a) Without permission of competent Georgian authorities becomes a member of foreign army, police or security service;
  - b) Acquires citizenship of Georgia by submitting false documents;
  - c) Acquires citizenship of another state.
2. Competent Georgian authorities apply to the Agency about the loss of Georgian citizenship. The application shall be enclosed with:
  - a) A copy of the document certifying citizenship of Georgia (ID card of a citizen of Georgia, a passport of a citizen of Georgia, other), in case of availability of such document;
  - b) A document certifying the presence of the grounds for the loss of citizenship envisaged in the Law (a document certifying a person's joining foreign army, police or security service without permission of competent Georgian authorities; a document certifying a person's acquisition of citizenship of Georgia by submitting false documents or acquisition of citizenship of a foreign country).

#### **Article 41.**

1. When conducting a procedure on the loss of Georgian citizenship on the ground specified in Subparagraph a) of Paragraph 1 of Article 21 of the Law, the Agency shall request from competent authorities identified in an order of the government of Georgia the information about the existence of permission to a Georgian citizen to join foreign army, police or security service.
2. If the Agency, without the information supplied by competent authorities', learns about the presence of grounds for the loss of Georgian citizenship, it shall consider the issue of loss of citizenship in accordance with the established rule and submit its conclusion to President of Georgia.

## **Chapter XI**

### **Enforcement of Decisions of President of Georgia on Citizenship Matters, the Rule of Controlling and Keeping Statistics on Citizenship Matters**

#### **Article 42.**

Decrees and orders of President of Georgia concerning matters of Georgian citizenship shall within maximum of two days be sent to the Agency for their enforcement.

#### **Article 43.**

Interested persons shall be informed about decisions taken on matters of citizenship in accordance with the rule set out in this decree.

#### **Article 44.**

1. Based on the information received from Territorial Branches, the Agency shall at least once a year submit a report to President of Georgia about the status of enforcement of decisions taken by him.
2. The report shall indicate terms of enforcement of decisions, details of measures undertaken, breaches of rules of enforcement of decisions and the content of breaches, reasons of protracting enforcement, et cetera.

#### **Article 45.**

1. For the aim of ensuring a uniform system of citizenship of Georgia, the Agency shall keep records on the dynamic of acquisition and termination of citizenship of Georgia.
2. The Agency shall keep uniform statistics on the acquisition by and termination of citizenship of Georgia to foreign citizens.

## **Chapter XII**

### **Procedure of Awarding Honorable Citizenship of Georgia to Foreign Citizen**

#### **Article 46.**

1. Honorable citizenship of Georgia may be awarded by President of Georgia to a citizen of another country, 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 in the state interests.
2. Honorable citizen of Georgia shall not be issued an ID/passport of citizen of Georgia. Honorable citizenship means a symbolic, not legal bond to Georgia. Honorary citizenship does not give rise to rights and responsibilities established by the Law for Georgian citizens.

#### **Article 47.**

1. Any person may apply to President of Georgia for awarding honorary citizenship to a foreign citizen. The application shall substantiate the existence of prerequisites set forth in Paragraph 1 of Article 46 of this Decree for awarding honorary citizenship of Georgia to a foreign citizens.
2. An application shall be enclosed with the following documents of a person submitted for honorary citizenship of Georgia:
  - a) A copy of ID or a document of citizenship of a foreign country (the absence thereof) certified in accordance with the rule established by the law;
  - b) A written consent on the acquisition of honorary citizenship.

#### **Article 48.**

1. Upon the instruction of President of Georgia, the Department considers the material submitted in accordance with Article 47 of this Decree.

2. If there is a reasonable doubt about a legal bond of a foreign citizen to Georgia, the Department may address the Agency with the request to establish a legal bond of a person to Georgia.
3. The Agency shall present a relevant conclusion within maximum three days and thereafter the Department shall draft an order for President of Georgia on the award of honorable citizenship to a foreign citizen.

**Article 49.**

1. If President of Georgia awards honorary citizenship to a citizen of foreign country, the Department shall prepare a document certifying honorable citizenship and a medallion for handing them over to a person.
2. The preparation of a document certifying honorable citizenship and a medallion is ensured by the President's Administration.

**Article 50.**

1. A person's honorable citizenship of Georgia may be terminated if he/she:
  - a) Committed an international crime against peace and humanity;
  - b) Undertook an action against national interests of Georgia.
2. Honorable citizenship of Georgia may be terminated by President of Georgia.

**Article 51.**

Georgian legislation may envisage various privileges for honorable citizens of Georgia.

## **Chapter XIII**

### **Interim Provisions**

**Article 52.**

Consideration of applications for the acquisition of Georgia citizenship submitted prior to the enactment of this Decree shall be completed, respectively:

- a) An application for the acquisition of Georgian citizenship – according to the rule of considering the award of Georgian citizenship under an ordinary procedure;



- b) An application for the acquisition of Georgia citizenship of a person married to a Georgian citizens - according to the rule of considering the award of Georgian citizenship under a simplified procedure;
- c) An application of a person with a repatriate status for the acquisition of Georgia citizenship - according to the rule of considering the award of Georgian citizenship under a simplified procedure;
- d) An application for the acquisition of Georgian citizenship - according to the rule of considering the award of Georgian citizenship as an exception;
- e) An application for the restoration of Georgia citizenship - according to the rule of considering issues of restoration of Georgian citizenship.

### **Article 53.**

1. Except for those persons who have acquired or will acquire Georgian citizenship in accordance with the Law, the following persons shall be considered as citizens of Georgia:
  - a) A person born before 31 March 1975, who have resided in Georgia for five years in total, who were in the territory of Georgia by 31 March 1993 and who have not acquired citizenship of Georgia;
  - b) A person born after 31 March 1975, who lived in the territory of Georgia by 31 March 1993 and who have not acquired citizenship of Georgia;
  - c) A person born in Georgia who left Georgia after 21 December, 1991 and therefore does not meet the requirements stipulated in Subparagraphs a) and b) of this Article, provided that he or she does not have citizenship of another country.
2. To consider an issue of establishing Georgian citizenship pursuant to Subparagraph a) of Paragraph 1 of this Article, a person shall submit following documents to the authorized entity:
  - a) A document certifying the residence in Georgia for five years in total (a copy of passport, military card, employment record book, or a certificate form a working place, or/and other document certifying a legal fact);
  - b) A document certifying the presence of a person in Georgia by 31 March 1993 (a copy of passport, military card, employment record book, or a certificate from a working place, or/and other document certifying a legal fact).
3. To consider an issue of ascertaining Georgian citizenship pursuant to Subparagraph b) of Paragraph 1 of this Article, a person shall submit:
  - a) A copy of birth document (birth certificate, ID card of Georgian citizen, passport, data of parents' passports);
  - b) Copies of documents certifying the fact of residing in Georgia by 31 March 1993.
4. To consider an issue of ascertaining Georgian citizenship pursuant to Subparagraph c) of Paragraph 1 of this Article, a person shall submit:

- a) A copy of document certifying the birth in Georgia (birth certificate, ID card of Georgian citizen, passport, data of parents' passports);
  - b) Copies of documents certifying the fact of leaving Georgia after 21 December 1991 (passport, military card, employment record book, or other document certifying a legal fact).
5. When considering the issue of ascertainment of Georgian citizenship on the basis of Paragraph 1 of this Article, in case when a ground exists for the acquisition of citizenship of a foreign country, an applicant shall submit a certificate issued by competent authorities of a relevant foreign country confirming the absence of citizenship of that country. This requirement is not binding for those countries which do not issue such certificates.
  6. The Agency may request from competent authorities of other country the information on the citizenship of an interested person. In the event the information is not received until the completion of administrative procedure on the ascertainment of citizenship, it shall be considered that an interested person does not have citizenship of that country and is considered as a citizen of Georgia until the opposite has been established.

#### **Article 54.**

1. A decision on the establishment of a legal bond of a person to Georgia is taken in the form of conclusion which is communicated to an applicant in accordance with the established rule.
2. A conclusion is signed by the head of authorized structural unit of the Agency.
3. If a person is born in Georgia and he/she lacks documentation needed to certify citizenship of Georgia or to establish his/her legal bond to Georgia, the Agency, in accordance with this Decree, shall consider an issue of establishing a legal bond of such a person to Georgia and in case of taking a positive decision, issue an ID card.
4. If a person, while undertaking registration according to place of residence, applies to Georgia's Diplomatic representation or Consulate with a request of acquiring an identity document or return certificate, the issue of ascertainment of citizenship of Georgia, if such is needed, shall be considered by the Agency, in accordance with this Decree, whilst in case of applying to a Territorial Branch by the Territorial Branch.
5. In cases specified in Paragraphs 4 and 5 of this Article, the establishment of a person's legal bond to Georgia is carried out without issuing a conclusion.

#### **Article 55.**

1. A person born in Georgia, whose Georgian citizenship cannot be ascertained on the basis of Article 53 of this Decree in accordance with Article 31 of the Law, may acquire Georgian citizenship if he/she meets the criteria specified in Subparagraphs b) and c) of

Paragraph 1 of Article 26 of this Decree and there are no grounds for the denial of citizenship to him/her.

2. In case of awarding Georgian citizenship under the special rule, an interested person submits his/her application to the Agency together with the following documents:
  - a) A copy of birth certificate if such does not exist in Agency's unified register;
  - b) A copy of document certifying identity (ID/residence certificate, passport, military card, record book, or a certificate from a working place, or/and other document certifying a legal fact).

#### **Article 56.**

1. The Ministry of Justice of Georgia shall be tasked to prepare, within two months, proposals on the establishment of limits of knowledge of the state language, history of Georgia and fundamentals of the law, envisaged in Paragraph 5 of Article 12.
2. Within the term specified in Paragraph 1 of this Article, the establishment of limits of knowledge of the state language, history of Georgia and fundamentals of the law shall be done in accordance with the rule defined before the enactment of this Decree.