

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Calls on the Ministry of Foreign Affairs of Georgia to Abolish the Obligation of Submitting Additional Certificate for Consular Registration of Citizens of Georgia Residing Abroad

Georgian Young Lawyers' Association reacts to recent amendments to the October 10, 2011 order of the Minister of Foreign Affairs of Georgia N241 on Adoption of

Regulations for Registration in or Removal from Consular Registry. Pursuant to the amendments, Georgian citizens residing abroad now have to submit a place of residence certificate in addition to other documents for consular registration.

We believe that the amendments may result in curtailing the constitutional right of Georgian citizens residing abroad to participate in elections. Moreover, legislation may trigger artificial grounds for loss of citizenship.

Any citizen of Georgia residing abroad is authorized for consular registration – registration of citizens of Georgia residing abroad temporarily or permanently. According to the Georgian legislation, failure to present documents certifying legal residence in the host country may not serve as grounds to refuse consular registration. Nevertheless, in contradiction to the said stipulation, amendments adopted on July 11 requires for citizens of Georgia residing abroad to submit certificate of place of residence in addition to other documents for their consular registration.

The Election Code of Georgia allows citizens of Georgia residing abroad to participate in elections if they are on the consular registry, or when they are not on the consular registry but undergo electoral registration in a Precinct Election Commission formed abroad or in a consular office, no later than 21 days before the Election Day.

The amendments may hinder citizens of Georgia from realizing their political right of participating in elections due to the following circumstances:

1. In the given context it is important to consider national legislation of various other countries. As far as we know, lawmakers in a number of countries do not recognize the document “certificate of place of residence”, which will make it difficult for Georgian citizens residing in these countries to submit the document.
2. Regrettably, a number of Georgia citizens reside abroad illegally. Although accurate number of such citizens is unknown, even if the national legislation of the host country recognizes such document, it would be difficult for citizens of Georgia residing abroad to obtain the certificate.

Further, under subparagraph “b” of para.1 of Article 32 of the organic law of Georgia on Citizenship of Georgia, an individual will lose his/her Georgian citizenship of s/he permanently resides abroad and has not registered in Georgian consulate within two

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years, without a valid excuse. We believe that the legal norm will be problematic for citizens of Georgia residing in foreign countries whose legislation does not recognize “place of residence certificate”. Thus, the law may artificially create grounds for loss of Georgian citizenship for such individuals.

We believe that any legal amendment during the pre-election period, which may have an adverse impact in realization of political right of citizens of Georgia – participation in elections, is inexpedient. Moreover, the Ministry did not provide any justification for the necessity of making the amendment.

In this light, GYLA calls on the Ministry of Foreign Affairs to review the July 11, 2012 amendments and abolish the obligation of submitting additional, place of residence certificate for consular registration of citizens of Georgia residing abroad.