

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA makes legal assessment over the decision of Civil Registry Agency

On April 4, 2012 the Civil Registry Agency announced that Bidzina Ivanishvili is not eligible to receive Georgian citizenship through naturalization. In view of high public interest to the issue, GYLA considers necessary to submit its legal assessment over the decision. Georgian Young Lawyers' Association thinks that the decision is not in line with Georgian legislation.

The legislation of Georgia provides two separate procedures for individuals seeking to obtain Georgian citizenship: 1) naturalization and 2) dual citizenship. The major

difference among them is that after receiving Georgian citizenship through naturalization a person shall not be citizen of any other country. If in the process to receive Georgian citizenship through naturalization an applicant is a foreign citizen there should be his/her officially declared will that after accepting Georgian citizenship he/she will renounce other country's citizenship. As for dual citizenship, an applicant can maintain other country(s)'s citizenship even after gaining Georgian citizenship.

As we know, in the case concerned, before applying for citizenship through naturalization, Ivanishvili submitted to the French embassy official request for launching procedures for his withdrawal from the French citizenship. The Civil Registry Agency was aware about Ivanishvili's will that he would renounce his French citizenship in case of gaining Georgian citizenship. Therefore, the aim of the law, that a person can be only the citizen of Georgia after gaining citizenship through naturalization, should have been attained.

The Presidential order No.34 of January 30, 2009 upholds the reasoning and position of the law. Article 22 of the normative act provides that for granting Georgian Citizenship through naturalization, "Interested applicant fills in the application form addressed to the President (annex 2)." The application form is approved by the same order and its paragraph 11 provides: "If my request is satisfied, I agree to (renounce citizenship of other country)". This formulation expressly demonstrates and an applicant has a right to renounce foreign citizenship only after the issue of his Georgian citizenship is ruled in his favor. This way Georgian legislation protects interested persons from being stateless if competent officials or organs of Georgia reject request on citizenship.

We should also highlight on more circumstance. The approach of the Georgian legislation that a person should not remain stateless is evident is another case as well, or when a Georgian citizen applies to foreign country for granting a citizenship and he wants to abandon Georgian citizenship. Specifically, when a Georgian citizen writes an application on leaving Georgian citizenship, the President of Georgia adopts relevant order (on leaving Georgian citizenship by an individual). According to paragraph 2, Article 37 of the organic law of Georgia on citizenship of Georgia, the order shall be entered into force after submission of a document issued by a competent foreign authorities certifying that a person has already received, or will receive citizenship of a relevant foreign country in case of leaving Georgian citizenship.

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As mentioned already, the goal of the Georgian Legislation is that after gaining Georgian citizenship through naturalization, a person should not remain a citizen of any other country. In this particular case, this goal was easily achievable –the President of Georgia could have issued a decree on granting Georgian citizenship to a person, which would have been enforced not immediately (to avoid citizenship of two countries simultaneously), but only after receiving an official document from the relevant French authorities on satisfying (Ivanishvili’s) application on renouncing French citizenship.