

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The National Agency of Civil Registry fines citizens illegally for taking ID cards with delay

According to the information of the Ministry of Justice, [] the first 7 month in 2007 nearly 41 959 citizens were fined for taking ID cards with delay. A According to the Ministry, citizens are obligated to take ID cards within six month after s/he reaches 16 years. If a citizen violates the term s/he has to pay GEL 5 as a fine.

The Georgian Young Lawyers [] Association (GYLA) studied the issue and considers that

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the National Agency of Civil Registry fines citizens as per Article 185 of the Administrative Code of Offences, illegally.

According to paragraph 1, Article 3 of the law on of Georgian Citizens and Foreigners and on the Rules of Issuing Georgian Passport a person who reaches 16 should be registered according to his/her place of residence. Moreover, neither the law nor any other legislative act specify the term for registration or for taking ID cards. Registered citizen, who changes the place of residence for more than six months, should apply to the territorial agency of registry and be registered on that address (Article 4). The term, however concerns changing of the place of residence of the already registered person and it is illegal to apply the similar rule with regard to taking ID card with delay.

The Georgian Administrative Code of Offences, Article 185 envisages liability (fine by GEL 5) for violation of the registration rules set for the Georgian citizens and for foreigners living in Georgia. Even though the law on Citizens Registration obliges citizens who reached 16 years to take ID cards, it does not set any terms until imposing of fines. Therefore, in case the gap exists citizens should not be taxed as per Article 185 of the Law.

GYLA considers that the National Agency of Civil Registry fined citizens illegally and appeals the agency to invalidate the relevant administrative act and return the sums to the citizens. GYLA is ready to assist citizens who were fined for taking ID cards with delay.