Question 1

The laws and procedures relating to acquisition, change and retention of nationality upon marriage between a national and non-national. Outline in particular if there are difference in treatment: with regard to nationality between men and women who marry non-nationals. Are there any circumstances in which women automatically acquire or lose nationality upon marriage or dissolution of marriage?

Pursuant to the Organic Law of Georgia on Citizenship and Constitution of Georgia there are two ways to obtain citizenship of Georgia: by birth and by naturalization. Article 12 of the Constitution prohibits dual nationality, however the Constitution of Georgia ensures the exception, which entitles the President of Georgia to grant citizenship of Georgia to the foreign national, if he/she has special merit before Georgia or granting citizenship of Georgia to him/her is due to state interests.

The legislation of Georgia does not differentiate men and women with respect to the right to marry non-nationals. Gender equality is granted by Constitution of Georgia.

Georgian legislation does not envisage acquire or loss nationality automatically upon marriage or dissolution of marriage.

According to Article 25 of Organic Law of Georgia on Citizenship the marriage of Georgian citizen to the foreign citizen or stateless person does not cause the change of nationality of spouses, nor does changing of nationality of one spouse cause automatic change of nationality of another.

Pursuant to Articles 28 of Organic Law on Citizenship of Georgia the person who is married to citizen of Georgia does not automatically acquire citizenship of Georgia but he/she can become citizen of Georgia by naturalization if:

1. he/she permanently resides on the territory of Georgia for the past two years,
2. Knows Georgian language and the history of Georgia within the limits established by law.

Acquisition of citizenship of Georgia for the spouse of Georgian citizen is a simplified procedure compared to the general rule of acquisition of Georgian citizenship by naturalization, namely according to the general rule a person must meet the following requirements:

1. Permanently resides on the territory of Georgia for the past five years;

2. Knows the State language and general principles of law within the limits established by law;

3. Knows basics of the history of Georgia within the limits established by law;

4. Works in Georgia, or owns real estate in Georgia, or carries out entrepreneurial activities on the territory of Georgia, or holds shares or stocks in Georgia;

The timeframe for consideration and making decision on application for citizenship may not exceed three months.

Pursuant to the Presidential Decree #34 on Submission and Consideration of Documents of Georgian Citizenship, adopted in January 30, 2009, person who meets requirements prescribed in Article 28 of Organic Law on Citizenship of Georgia should submit application addressing the President of Georgia through Public Service Hall; persons residing abroad should submit application to the respective diplomatic or consular representations of Georgia. Applications and enclosed documents should be submitted in Georgian language. Documents composed in another language are accepted, if they are respectively legalized along with Georgian translation.

The person who has acquired nationality of Georgia in accordance with the procedures prescribed in Article 28 of Organic Law on Citizenship of Georgia will not lose nationality
after divorce. Article 32 of Organic Law on Citizenship of Georgia prescribes grounds of losing nationality of Georgia, namely:

1. National of Georgia entries into military force, justice, governmental and police organs of foreign country without permission of competent authority of Georgia;

2. Person permanently resides abroad and has not been registered in a consulate of Georgia for 2 years without excuse;

3. Person becomes national of foreign country;

4. Person acquired nationality of Georgia using fake documents.

Question 2

The laws and procedure relating to conferral of nationality on children by men and women. Specifically, do children of female nations acquire the nationality of their mothers in equal circumstances with men? If there are limitations on conferral of nationality by woman on their children, please describe them with reference to relevant legal provisions and procedures.

Constitution of Georgia and Organic law of Georgia on Citizenship does not stipulate any limitations based on sex. Equality of parents is one of the fundamental principal upon which legislation on nationality is based on, including on issue of determination of child's nationality in case of mixed marriage.

According to the article 11 of Organic law of Georgia on Citizenship a child, whose parents were citizens of Georgia at the moment of his or her birth shall be considered as a citizen of Georgia regardless of the place of birth. Parents shall address the diplomatic/consular mission of Georgia to obtain the personal number and international passport for the child, only if the
child has to leave the third state to Georgia. The law requires Georgian national permanently residing on the territory of another state to register in the consulate within two years.

According to the article 12, when parents have different citizenship and one of the parents is citizen of Georgia, child will be considered as citizen of Georgia if: a) the child was born on the territory of Georgia. b) Child was born abroad, but one of his parents has permanent residence in Georgia, c) one of the parents was citizen of Georgia at the moment of child's birth and another parent is without citizenship or parent is unknown. In addition, if one parent is citizen of Georgia and both of them live abroad, child will obtain citizenship according to the agreement of parents. In case of non-agreement child's citizenship will be decided according to the law of the country where child was born.

In case of establishing paternity of a child, whose mother is without citizenship, and father is a citizen of Georgia, child will obtain citizenship of Georgia. Children, whose parents are without legal status or citizenship, will obtain citizenship of Georgia, if they are born in Georgia. If one parent changes his/her citizenship, child will remain citizen of Georgia if they continue to reside in Georgia.

If one parent obtains citizenship of Georgia and other is foreign citizen, the citizenship will be conferred to child based on the agreement of parents.

When parents have different citizenship, the child has a right to choose one of the parents' citizenship after attainment of majority age.

A child who is a citizen of a foreign State or a stateless person and who is adopted by citizen(s) of Georgia might obtain citizenship of Georgia upon application by the adopter (s).

Georgian legislation does not favor any of the parents. There are no limitations on conferral of nationality by women on their children. Acquisition of citizenship to child is based on citizenship of parents or on the place of birth, but in no way on the sex of parent.
Question 3

Best practices by states and other measures that eliminate nationality discrimination against woman and avoid or reduce statelessness. Please carefully describe the persons to achieve changes in legislation/policies specifying the role of particular national institutions and civil society organizations in the process.

Since 2010, Civil Service Development Agency of Georgia (CSDA) is implementing project aiming at reduction and prevention of statelessness in Georgia with support of UNHCR. The CSDA executes this project in cooperation with its partner non-governmental organization Innovations and Reform’s Center (IRC). In 2010 draft of legislation changes was prepared, after representatives of CSDA, UNHCR and IRC had jointly evaluated existing legislation and practice in relation to statelessness; this was important step in reduction and prevention of statelessness in Georgia. In 2010 changes made in Organic Law on Citizenship of Georgia and in Presidential Decree #34 on Submission and Consideration Documents related to the Matter of Georgian Citizenship, adopted in January 30, 2009, came into force. According to the amended law, person loses citizenship of Georgia, immediately after competent organ of Georgia receives document, proving that person became national of foreign state, or after receiving signed document by foreign state’s competent organ confirming, that this person will acquire nationality of foreign state as soon as he/she loses Georgian citizenship. This approach eliminates chances of becoming stateless as a result of denial to grant citizenship by foreign state.

In addition, those changes increased scope of article 15 of Organic Law on Citizenship of Georgia and now it is guaranteed that any child, who is on the territory of Georgia and whose parents are unknown, shall be considered as citizen of Georgia until the contrary is proved.
In addition, in February 2011 within the framework of State Commission on Migration new working group on statelessness was created, the members of which are representatives of the CSDA, Ministry of Justice of Georgia, Ministry of Foreign Affairs, Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refuges, also representatives of UNHCR. Main Objectives of this group are to analyze existing law and practice in statelessness matters in Georgia; to define the advisability of international instruments on statelessness and UN 1954 and 1961 years convention on “status of statelessness persons” with regard to Georgian legislation and existing practice.

The working group elaborated recommendations regarding reasonability of ratification of UN convention on “status of stateless persons”. Based on mentioned recommendations in Georgia joined to the UN convention on “status of stateless persons” December 9, 2011. In 2012 Georgia elaborated number of implementing legislative changes to harmonize Georgian legislation with mentioned UN conventions. Among other changes procedure of identification of stateless person was developed.