

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LEGISLATION ON KIN-MINORITIES**

**BULGARIA**

**LAW FOR THE BULGARIAN CITIZENSHIP**

Prom. SG 136 1998; Amend. and suppl. SG 41 2001;

**Chapter I. GENERAL PROVISIONS**

Art. 1. This law determines the conditions and the order of acquiring, losing and restoration of Bulgarian citizenship.

Art. 2. The Bulgarian citizenship is settled by the Constitution of the Republic of Bulgaria, by the law and by international agreements, in force for occurrence of the facts or events related to the citizenship.

Art. 3. Bulgarian citizen who is also citizen of another state shall be considered only Bulgarian citizen when applying the Bulgarian legislation, unless a law provides otherwise.

Art. 4. Citizenship cannot be established by court order.

Art. 5. The conclusion or dissolution of the marriage between Bulgarian citizen and a foreign citizen or the change of the citizenship of one of the spouses during the marriage shall not change by right the citizenship of the other spouse.

Art. 6. The adoption shall not change the citizenship of the adopted.

Art. 7. (1) Nobody can be deprived of Bulgarian citizenship except in the cases explicitly stipulated by this law.  
(2) Everybody shall have the right to choose his citizenship.

**Chapter II. ACQUIRING BULGARIAN CITIZENSHIP**

**Section I. Acquiring Bulgarian citizenship by origin**

Art. 8. Bulgarian citizen by origin is everybody of whom at least one of the parents is Bulgarian citizen.

Art. 9. Bulgarian citizen by origin is also every person who is fathered by a Bulgarian citizen or whose origin from a Bulgarian citizen is established by court decision.

**Section II. Acquiring Bulgarian citizenship by place of birth**

Art. 10. Bulgarian citizen by a place of birth is every person born on the territory of the Republic of Bulgaria if he does not acquire another citizenship by origin.

Art. 11. Considered born on the territory of the Republic of Bulgaria is a child found on this territory, whose parents are unknown.

### Section III. Acquiring Bulgarian citizenship by naturalisation

Art. 12. A person who is not a Bulgarian citizen can acquire Bulgarian citizenship if by the date of filing the application for naturalisation:

1. he has become of age;
2. before no less than 5 years has been given permit for permanent stay in the Republic of Bulgaria;
3. has not been convicted for premeditated crime of general nature by a Bulgarian court and against him criminal prosecution has not been instituted for such crime, unless rehabilitated;
4. (amend, SG 41/01) has income or occupation which enables his support in the Republic of Bulgaria;
5. (amend., SG 41/01) has control of the Bulgarian language which shall be established by an order determined by the Minister of education and science and
6. (New, SG 41/01) who is released from his present citizenship or will be released from it by the moment of acquiring Bulgarian citizenship.

Art. 13. (Amend. and suppl., SG 41/01) A person who is not Bulgarian citizen, meets the requirements of Art. 12, item 1, 3, 4, 5 and 6 and, for no less than 3 years by the date of filing the application for naturalisation has obtained permit for permanent stay in the Republic of Bulgaria, can acquire Bulgarian citizenship if he meets one of the following requirements:

1. he has and maintains legally concluded marriage with Bulgarian citizen for a period no less than 3 years;
2. (revoked, SG 41/01)
3. was born in the Republic of Bulgaria;
4. the permit for permanent stay was given before coming of age;
5. (revoked, SG 41/01)

Art. 13a. (New, SG 41/01) A person who has obtained a refugee status not later than three years by the date of filing the application for naturalisation can acquire Bulgarian citizenship if he meets the requirements of art. 12, item 1, 3, 4 and 5.

Art. 14. (Amend., SG 41/01) Person without citizenship can acquire Bulgarian citizenship if he meets the requirements of Art. 12, item 1, 3, 4 and 5 and not later than 3 years by the date of filing the application for naturalisation has had a permit for permanent stay in the Republic of Bulgaria.

Art. 15. (Amend., SG 41/01) Person who is not Bulgarian citizen can acquire Bulgarian citizenship by naturalisation, without the presence of the conditions under Art. 12, item 2, 4, 5 and 6 if he meets one of the following requirements:

1. to be of Bulgarian origin;
2. (Suppl., SG 41/01) to be adopted by a Bulgarian citizen under the conditions of full adoption;
3. (New, SG 41/01) one of his parent is Bulgarian citizen or deceased as a Bulgarian citizen.

Art. 16. Person who is not Bulgarian citizen can acquire Bulgarian citizenship without the presence of the conditions under Art. 12 if the Republic of Bulgaria has an interest in his naturalisation or if the person has special contributions to the Republic of Bulgaria in the public and economic sphere, in the sphere of science, technology, culture and sport.

Art. 17. The children under 14 years of age shall acquire Bulgarian citizenship if their parents, or living parent, accept Bulgarian citizenship or if only one of the parents does it if the other parent is Bulgarian citizen. Under the same conditions the children from 14 to 18 years of age shall acquire Bulgarian citizenship if they so wish.

Art. 18. (1) Children under 14 years of age, of whom only one of the parents is Bulgarian citizen, if they do not have Bulgarian citizenship, can become Bulgarian citizens without the presence of the conditions under Art. 12 if the two parents or the living parent give written consent for this. Consent by a parent who has lost his parental rights shall not be required. Acquired under the same conditions can be Bulgarian citizenship by the children from 14 to 18 years of age if they so wish.

(2) (Suppl., SG 41/01) Under the conditions of para 1 persons who are adopted by Bulgarian citizens under the conditions of full adoption can acquire Bulgarian citizenship.

Art. 19. The application of a person who meets the requirements for acquiring Bulgarian citizenship by naturalisation shall be rejected if, in view of his behaviour, there are serious reasons to believe that the applicant is a threat to the public peace, the public ethics, the public health or the national security.

### **Chapter III. LOOSING BULGARIAN CITIZENSHIP**

#### Section I. Release from Bulgarian citizenship

Art. 20. Bulgarian citizen who permanently resides abroad can request release from Bulgarian citizenship if he has acquired foreign citizenship or there is information about opened procedure for acquisition of foreign citizenship.

Art. 21. (1) The release of the parents from Bulgarian citizenship also releases from Bulgarian citizenship their children under 14 years of age only if the request is also made for them. For release of the children from 14 to 18 years of age their consent shall also be required.

(2) If only one of the parents has applied for release from Bulgarian citizenship the children can be released under the conditions of para 1 only if the other parent has given his consent. The consent of the parent shall not be required if he has been deprived of parental rights.

#### Section II. Revoking the naturalisation

Art. 22. (1) Naturalisation on whose grounds Bulgarian citizenship has been acquired can be revoked if the person:

1. has used data or facts having become grounds for acquiring Bulgarian citizenship for which, by court order, it has been established that are false

and/or

2. has concealed data or facts which, should they have been known, would have been grounds for refusal of acquiring Bulgarian citizenship.

(2) The revoking of the naturalisation shall be admissible only by the expiration of 10 years from acquiring Bulgarian citizenship.

Art. 23. The revoking of the naturalisation of one of the spouses shall not revoke the naturalisation of the other spouse and of the children, unless they have acquired Bulgarian citizenship on the grounds of the same false or concealed data or facts.

### Section III. Deprivation of Bulgarian citizenship

Art. 24. Person who has acquired Bulgarian citizenship by naturalisation can be deprived of it if he is convicted by enacted sentence for severe crime against the republic, on condition that he is abroad and does not remain without citizenship.

Art. 25. The deprivation of citizenship of one of the spouses shall not change the citizenship of the other spouse and of the children.

## Chapter IV. RESTORATION OF BULGARIAN CITIZENSHIP

Art. 26. (1) The citizenship of a person released from Bulgarian citizenship can be restored at his request if

1. he has not been convicted by enacted sentence for premeditated crime in the country where he lives or in the Republic of Bulgaria and

2. he does not represent a threat to the public peace, the public ethics, the public health or the national security.

3. (New, SG 41/01) before no less than 3 years by the date of filing application for restoration has a permit for permanent residing in the Republic of Bulgaria.

(2) (Amend., SG 41/01) The citizenship of a person of Bulgarian origin, can be restored under the conditions of para 1, item 1 and 2.

Art. 27. The citizenship of a person deprived of Bulgarian citizenship can be restored if it is established that there were no grounds for deprivation or if the grounds have lost their importance.

Art. 28. (1) For restoration of the Bulgarian citizenship of the parents Bulgarian citizens shall also become their children who have not accomplished 14 years of age. The children from 14 to 18 years of age shall become Bulgarian citizens if they also requested it.

(2) When the restoration is requested only by one of the parents the children can acquire Bulgarian citizenship under the conditions of para 1 only if the other parent has given his consent. The consent of the parent shall not be required if he has been deprived of parental rights.

## Chapter V. PROCEEDINGS RELATED TO THE BULGARIAN CITIZENSHIP

Art. 29. (1) Acquiring Bulgarian citizenship by naturalisation, release from Bulgarian citizenship and restoration of Bulgarian citizenship shall be carried out against application of the interested person, personally filed, by mail or by explicitly authorised person by notary certification. The applications filed by mail or by a proxy must have a notary certification.

(2) Application for minors shall be filed by their parents or guardians and for those underage it shall be signed by the parents or by the guardians. Consent of a parent shall not be required if he is deprived of parental rights.

Art. 30. proposal for acquisition of Bulgarian citizenship under Art. 16 shall be made by the minister in charge of the respective sphere in which the Republic of Bulgaria has an interest in the naturalisation of the person or in which he has special contributions. The person who will acquire Bulgarian citizenship must have given preliminary consent for it.

Art. 31. (1) Proposal for revoking the naturalisation or for deprivation of Bulgarian citizenship shall be made by the chief prosecutor.

(2) In the presence of the conditions under Art. 22 or 24 the Minister of Justice can himself make a proposal for revoking the naturalisation or for deprivation of Bulgarian citizenship.

Art. 32. (1) The application and the proposals under Art. 29, 30 and Art. 31, para 1 shall be extended to the Minister of Justice.

(2) When the applicant lives abroad the application can be filed through the diplomatic or consular representation of the Republic of Bulgaria which shall give obligatory motivated opinion.

(3) The application and the documents attached to it must be written in Bulgarian language.

Art. 33. (1) (Amend., SG 41/01) Established at the Ministry of justice shall be Citizenship Council which shall consist of chairman - deputy minister of justice and members - one representative each of the Ministry of Justice, the Ministry of interior, the Ministry of foreign affairs, the Ministry of regional development and public works, the Ministry of labour and social policy, the Ministry of health and of the State Agency for the Bulgarians abroad and the Agency for the refugees.

(2) Representative of the President of the Republic can attend the meetings of the Citizenship Council.

(3) The Citizenship Council shall give opinion on the applications and proposals related to the Bulgarian citizenship.

(4) The Minister of Justice shall determine the list of members of the Citizenship Council at the proposal of the heads of the respective administrative bodies under para 1 and shall issue regulations for its activity.

Art. 34. The Minister of Justice shall, on the grounds of the opinion of the Citizenship Council, extend proposal to the President of the Republic of Bulgaria for issuance of edict or refusal to issue edict for acquisition, restoration, release or deprivation of Bulgarian citizenship, as well as for revoking naturalisation.

Art. 35. The Minister of Justice shall extend proposal for the issuance of the edict under Art. 34 within:

1. three months - for the applications by persons of Bulgarian origin for acquiring Bulgarian citizenship by naturalisation or for restoration of Bulgarian citizenship;

2. three months - for proposals for acquiring Bulgarian citizenship under Art. 16, as well as for revoking naturalisation or for deprivation of Bulgarian citizenship;
3. six months - for the applications for release from Bulgarian citizenship or for restoration of Bulgarian citizenship;
4. twelve months - for the applications for acquiring Bulgarian citizenship by naturalisation.

Art. 36. The acquisition of Bulgarian citizenship by naturalisation, the restoration of Bulgarian citizenship, the release and deprivation of Bulgarian citizenship and the revoking of the naturalisation shall be carried out by an edict of the President of the Republic of Bulgaria. The edict shall come into force on the day of its issuance.

Art. 37. (1) For changes of the citizenship of the persons the Ministry of Justice shall issue certificates.

(2) Upon receipt of the edict under Art. 36 the Ministry of Justice shall inform

1. the municipalities or mayoralties of the permanent address of the person - for entering the changes of the citizenship in the registers for the civil status of the population;
2. The Ministry of interior and the Ministry of foreign affairs - for issuance or withdrawal of Bulgarian identification documents.

Art. 38. The Ministry of Justice shall keep:

1. ledger of the applications and proposals for acquiring Bulgarian citizenship, for revoking naturalisation, for restoring, for release and deprivation of Bulgarian citizenship;
2. register of the persons who have acquired Bulgarian citizenship by naturalisation;
3. register of the persons who have lost their Bulgarian citizenship;
4. register of the persons with restored Bulgarian citizenship.

Art. 39. (1) At the request of the interested person the Ministry of Justice shall issue a certificate for citizenship stating whether the person is or not Bulgarian citizen according to the registers kept in the ministry.

(2) The certificate under para 1 shall be valid for 1 year from its issuance.

Art. 40. (1) Information about the citizenship of the persons can be requested by:

1. the person, whose citizenship data is kept and after his death - his successors;
2. the bodies of the judiciary authority, the ministries and the bodies of the local independent government and local administration within the frames of their competence and in the cases determined by a law.

(2) The Minister of Justice shall provide the protection and keeping of the documents related to the citizenship.

Art. 41. The administrative bodies, municipalities and mayoralties shall be obliged to submit to the Ministry of Justice, upon request, information or opinion related to the proceedings on the Bulgarian citizenship.

#### Additional provisions

§ 1. In case of disagreement between the parents, as well as disagreement between the underage and parents or their guardians in the cases under Art. 18, 21, 28 and 29 the dispute shall be solved by the regional court whose decision shall be final.

§ 2. In the context of this law:

1. "Person of Bulgarian origin" is a person of whom at least one of the ascending is Bulgarian.
3. (New, SG 41/01) The person shall be considered released from his present citizenship when:
  1. he has been released upon his request under the conditions and by the order of his fatherland law;
  2. loses his citizenship by virtue of the naturalisation according to his fatherland law.

#### Transitional and concluding provisions

§ 3. Restored with the enactment of this law is the Bulgarian citizenship of those deprived of Bulgarian citizenship by the Law for the Bulgarian citizenship of 1940 and by the Law for the Bulgarian citizenship of 1948.

§ 4. Restored is the Bulgarian citizenship of Bulgarian citizens released from Bulgarian citizenship without having filed request for that and those emigrated to countries with whom Bulgaria has not concluded emigration agreements if, within one year from the enactment of this law they extend a formal request to the Minister of Justice. When the persons live abroad the requests can be extended through the diplomatic or consular representations of the Republic of Bulgaria.

§ 5. The applications filed before the enactment of this law shall be considered and granted under the conditions of the previous order.

§ 6. This law revokes the Law for the Bulgarian citizenship (prom., SG, No 79 of 1968; amend., No 36 of 1979, No 64 of 1968 and No 38 of 1989).

§ 7. (1) The Minister of Justice shall issue ordinance for the implementation of Chapter Five.

(2) For the activities and the issued documents for the proceedings in connection with the Bulgarian citizenship taxes shall be collected in amounts determined by a tariff of the Council of Ministers.

§ 8. (1) This law shall come into force within 3 months from its promulgation in the State Gazette.

(2) Within the period under para 1 the Minister of Justice and the Minister of education and science shall issue acts for the implementation of the law.

§ 9. The fulfilment of the law is assigned to the Minister of Justice.

The law was adopted by the 38th National Assembly on November 5, 1998 and was affixed with the official seal of the National Assembly.

Transitional Provision SG 41 2001

§ 11. The applications filed before the enactment of this law shall be considered and settled under the previous conditions and order.