

Bulgarian Citizenship Act

SG, 136, November 18, 1998., amended SG 41, April 26, 2001, amended SG 54, May 31, 2002

Chapter One GENERAL PROVISIONS

Article 1

This Act shall stipulate the conditions and procedure of acquisition, loss and reinstatement of Bulgarian citizenship.

Article 2

Bulgarian citizenship shall be governed by the Constitution of the Republic of Bulgaria, this Act and the international agreements in force at the time of occurrence of the facts or events related to citizenship.

Article 3

Any Bulgarian citizen who is also a citizen of another state shall only be considered a Bulgarian citizen in the application of the Bulgarian legislation unless otherwise provided for by law.

Article 4

Citizenship may not be established through legal proceedings.

Article 5

Contraction or dissolution of marriage between a Bulgarian citizen and an alien or any change of citizenship of one of the spouses during the marriage shall not change by right the citizenship of the other spouse.

Article 6

Adoption shall not affect the citizenship of the adopted person.

Article 7

(1) Any person may not be deprived of Bulgarian citizenship with the exception of cases explicitly envisaged in this Act

(2) Any person shall have the right to a choice of citizenship.

Chapter Two ACQUISITION OF BULGARIAN CITIZENSHIP

Section I

Acquisition of Bulgarian Citizenship by Origin

Article 8

Any person whose one parent least is a Bulgarian citizen shall be a Bulgarian citizen by origin.

Article 9

Any person who has been fathered by a Bulgarian citizen or whose descent from a Bulgarian citizen has been established by way of a court ruling shall be a Bulgarian citizen by origin.

Section II

Acquisition of Bulgarian Citizenship by Place of Birth

Article 10

Any person who was born in the territory of the Republic of Bulgaria unless he/she has acquired foreign citizenship by origin shall be a Bulgarian citizen by place of birth.

Article 11

Any child found in the territory of the Republic of Bulgaria whose parents are unknown shall be deemed as born in this territory.

Section III

Acquisition of Bulgarian Citizenship through Naturalization

Article 12

Any person who is not a Bulgarian citizen may acquire Bulgarian citizenship if as of the date of filing an application for naturalization:

1. is a major;
2. was granted permission for permanent residence in the Republic of Bulgaria not less than five years ago;
3. has not been sentenced by a Bulgarian court for a premeditated crime of a general nature and has not been the subject of criminal proceedings for such a crime unless the person concerned has been rehabilitated;
4. has an income and occupation enabling him/her to support himself/herself in the Republic of Bulgaria;
5. has a command of the Bulgarian language subject to verification in accordance with a procedure established by an order of the Minister of Education and Culture, and
6. (New SG No. 41/2000) was released from his/her previous citizenship or will be released from his/her citizenship as of the moment of acquiring the Bulgarian citizenship.

Article 13

Any person who is not a Bulgarian citizen, satisfies the conditions under Article 12, sub-paragraphs 1, 3, 4, 5 and 6 and, not less than three years as of the date of filing the application for naturalization, was granted permission for permanent residence in the Republic of Bulgaria may acquire Bulgarian citizenship if he/she also meets one of the following requirements:

1. has been, for at least three years, and still is, legally married to a Bulgarian citizen;
2. (Repealed SG No. 41/2001);
3. was born in the Republic of Bulgaria;
4. was granted permission for permanent residence before he/she became of age;
5. (Repealed SG No. 41/2001).

Article 13a(New SG No. 41/2001)

Any person who was granted a refugee status not less than three years before the date of filing the application for naturalization may acquire Bulgarian citizenship if he/she meets the requirements under Article 12, sub-paragraphs 1, 3, 4 and 5.

Article 14(Amended SG No. 41/2001)

Any person without citizenship may acquire Bulgarian citizenship if he/she satisfies the conditions under Article 12, sub-paragraphs 1, 3, 4 and 5 and, not less than three years as of the date of filing an application for naturalization, was granted permission for permanent residence in the Republic of Bulgaria.

Article 15(Amended SG No. 41/2001)

Any person who is not a Bulgarian citizen may acquire Bulgarian citizenship through naturalization not subject to the provisions of Article 12, sub-paragraphs 2, 4, 5 and 6 if he/she meets one of the following requirements:

1. is of a Bulgarian origin ;
2. has been adopted by a Bulgarian citizen on terms of full adoption;
3. one of his/her parents is a Bulgarian citizen or has passed away as a Bulgarian citizen.

Article 16

Any person who is not a Bulgarian citizen may acquire Bulgarian citizenship not subject to the provisions of Article 12 if the Republic of Bulgaria has an interest in his/her naturalization or if the person concerned has made a special contribution to the Republic of Bulgaria in the social and economic spheres, in the field of science, technology, culture or sports.

Article 17

Children of up to 14 years of age shall acquire Bulgarian citizenship if their parents or the surviving parent acquire Bulgarian citizenship or whose only one parent does so in case the other parent is a Bulgarian citizen. Under the same conditions children of 14 to 18 years of age shall acquire Bulgarian citizenship if they wish so.

Article 18

(1) If children of up to 14 years of age, whose only one parent is a Bulgarian citizen, do not hold Bulgarian citizenship they may become Bulgarian citizens not subject to the provisions of Article 12 if both parents or the surviving parent agree to give their consent /to that end/ in writing. There shall be no requirement for the consent of any parent who has been deprived of parental rights. Children of 14 to 18 years of age may acquire Bulgarian citizenship under the same conditions if they wish so.

(2) (Amended SG No. 41/2001) Pursuant to the provisions of paragraph 1 any persons adopted by Bulgarian citizens on terms of full adoption may also acquire Bulgarian citizenship.

Article 19

The application of any person meeting the requirements for acquisition of Bulgarian citizenship through naturalization shall be refused if there are serious grounds to believe that due to his/her conduct he/she may constitute a threat to public order, public morals, public health or national security.

Chapter Three LOSS OF BULGARIAN CITIZENSHIP

Section I

Release from Bulgarian Citizenship

Article 20

Any Bulgarian citizen who permanently resides abroad may request to be released from Bulgarian citizenship if he/she has acquired foreign citizenship or if there is information indicating that a procedure for acquisition of foreign citizenship is underway.

Article 21

(1) Release of parents from Bulgarian citizenship shall also release their children under fourteen years of age only if an application has been filed to that end. Release of children of 14 to 18 years of age shall be subject to their consent as well.

(2) When one of the parents has applied to be released from Bulgarian citizenship the children may also be released thereof under the provisions of paragraph 1 only if the

other parent has agreed to that. No agreement shall be required if the parent concerned has been deprived of parental rights.

Section II

Revocation of Naturalization

Article 22

(1) Naturalization through which Bulgarian citizenship was acquired may be revoked if the person concerned:

1. has supplied information or facts serving as grounds for acquisition of Bulgarian citizenship which were established, through legal proceedings, to have been false, and/or
2. has concealed information or facts which, had they been known, would have served as grounds to refuse acquisition of Bulgarian citizenship.

(2) Revocation of naturalization may only be effected within ten years from the acquisition of Bulgarian citizenship.

Article 23

Revocation of naturalization of one of the spouses shall not revoke the naturalization of the other spouse and the children unless they have also acquired Bulgarian citizenship on the grounds of the same false or concealed information and facts.

Section III

Deprivation of Bulgarian Citizenship

Article 24

Any person who has acquired Bulgarian citizenship through naturalization may be deprived of it if that person has an effective sentence for a grave crime committed against the Republic of Bulgaria provided he/she is abroad and does not become stateless.

Article 25

Deprivation of citizenship of one of the spouses shall not affect the citizenship of the other spouse and the children.

Chapter Four REINSTATEMENT OF BULGARIAN CITIZENSHIP

Article 26

(1) Any person released from Bulgarian citizenship may have his/her citizenship reinstated at his/her request if:

1. he/she has not been convicted by an effective sentence for a premeditated crime in the state of residence or in the Republic of Bulgaria, and
2. does not constitute a threat to the public order, public morals, public health or national security.
3. (New SG No. 41/2001) he/she was granted permission for permanent residence in the Republic of Bulgaria not less than three years before the date of filing the application for reinstatement.

(2) (Amended SG No. 41/2001) The citizenship of any person of Bulgarian origin may be reinstated under the provisions of paragraph 1, sub-paragraph 1 and 2 above.

Article 27

Any person deprived of Bulgarian citizenship may have his/her citizenship reinstated if it is established that there have been no grounds for deprivation or the grounds have been invalidated.

Article 28

(1) In case of reinstatement of Bulgarian citizenship to parents, their children who have not turned 14 years shall also become Bulgarian citizens. Children of 14 to 18 years of age shall become Bulgarian citizens if they have requested that as well.

(2) When reinstatement has only been requested by one of the parents children may acquire Bulgarian citizenship under the provisions of paragraph 1 only subject to the consent of the other parent. There shall be no requirement for the consent of any parent who has been deprived of parental rights.

Chapter Five PROCEEDINGS RELATED TO BULGARIAN CITIZENSHIP

Article 29

(1) Bulgarian citizenship shall be acquired through naturalization, released from and reinstated at the request of the person concerned by way of an application filed in person, by post or through a person expressly authorized for this purpose through a Notary Public. Any application filed by post or through a plenipotentiary should bear a signature authenticated by a Notary Public.

(2) For minors, the application shall be filed by their parents or guardians, for persons under age - the application shall be countersigned by parents or guardians. There shall be no requirement for the consent of a parent who has been deprived of parental rights.

Article 30

A proposal for acquisition of Bulgarian citizenship under Article 16 shall be put forward by the Minister responsible for the respective field where Bulgaria has an interest in the naturalization of the person concerned or where that person has made a special contribution. The person who is to acquire Bulgarian citizenship should have given his/her consent in writing to that end in advance.

Article 31

(1) A proposal for revocation of naturalization or deprivation of Bulgarian citizenship shall be made by the Prosecutor General .

(2) In case the conditions under Article 22 or Article 24 have not been complied with, the Minister of Justice may make a proposal himself on revocation of naturalization or deprivation of Bulgarian citizenship.

Article 32

(1) Any application and proposals under Articles 29, 30 and 31, paragraph 1 shall be addressed to the Minister of Justice.

(2) In case the applicant resides abroad the application may be filed through the respective diplomatic or consular mission of the Republic of Bulgaria which shall be obliged to present its well-grounded opinion;

(3) The application and documents attached thereto should be written in Bulgarian.

Article 33

(1) (Amended SG No. 41/2001) Under the Ministry of Justice there shall be a Citizenship Council consisting of a chairman - a Deputy Minister of Justice, and members - a representative of the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Regional Development and Urban Planning, the Ministry of Labour and Social Policy, the Ministry of Health each, and the State Agency for Bulgarians Abroad and the Refugees Agency.

(2) Any meetings of the Citizenship Council may be attended by a representative of the President of the Republic of Bulgaria.

(3) The Citizenship Council shall come up with an opinion on applications and proposals related to Bulgarian citizenship.

(4) The Minister of Justice shall determine the composition of the Citizenship Council at the proposal of the leading officials of the relevant institutions under paragraph 1 and shall issue regulations for its operation.

Article 34

The Minister of Justice, on the basis of the opinion of the Citizenship Council, shall make a proposal to the President of the Republic of Bulgaria to issue a decree or to refuse to issue a decree on acquisition, reinstatement, release from or deprivation of Bulgarian citizenship as well as revocation of naturalization.

Article 35

The Minister of Justice shall make a proposal for issuance of a decree under Article 34 within:

1. three months - with regard to applications of persons of Bulgarian origin for acquisition of Bulgarian citizenship through naturalization or reinstatement of Bulgarian citizenship;
2. three months - with regard to proposals for acquisition of Bulgarian citizenship under Article 16 as well as revocation of naturalization or deprivation of Bulgarian citizenship;
3. six months - with regard to applications for release from Bulgarian citizenship or reinstatement of Bulgarian citizenship;
4. twelve months - with regard to applications for acquisition of Bulgarian citizenship through naturalization.

Article 36

Acquisition of Bulgarian citizenship through naturalization, reinstatement of Bulgarian citizenship, release from and deprivation of citizenship shall be effected by way of a decree of the President of the Republic of Bulgaria. The decree shall enter into force on the day of its issuance.

Article 37

(1) The Ministry of Justice shall issue certificates to persons regarding changes of citizenship.

(2) Upon the receipt of the decree under Article 36 the Ministry of Justice shall notify:

1. municipal councils or mayor's offices at the places of permanent residence of the person concerned - for registration of changes in the Vital records;
2. The Ministry of the Interior and the Ministry of Foreign Affairs - for issuance and withdrawal of Bulgarian identity documents.

Article 38

The Ministry of Justice Shall keep:

1. a record-book of applications and proposals for acquisition of Bulgarian citizenship, revocation of naturalization, reinstatement, release from and deprivation of Bulgarian citizenship;
2. a register of persons who have acquired Bulgarian citizenship through naturalization;
3. a register of persons who have lost their Bulgarian citizenship.
4. a register of persons who have had their Bulgarian citizenship reinstated.

Article 39

(1) At the request of the person concerned, the Ministry of Justice shall issue a certificate of citizenship indicating whether that person is or is not a Bulgarian citizen according to the registers kept at the Ministry.

(2) The certificate under paragraph 1 shall be valid for one year after its issuance.

Article 40

(1) Information concerning citizenship of persons may be requested by:

1. the person whose citizenship information is stored and upon his/her death - his/her descendants;
2. bodies of the judiciary, ministries and bodies of local self-government as well as the local administration within the limits of their competence and in cases determined by law.

(2) The Minister of Justice shall ensure that documents related to citizenship be preserved and stored.

Article 41

Institutions, municipal councils and mayor's offices shall provide, upon request, to the Ministry of Justice, any information or opinion with regard to proceedings related to Bulgarian citizenship.

SUPPLEMENTARY PROVISIONS

§ 1. If there are differences between parents as well as differences between under-age persons and their parents or guardians in cases under Articles 18, 21, 28 and 29, disputes shall be solved by the Regional Court whose decision shall be final.

§ 2. In the meaning of this Act:

1. "A person of Bulgarian origin" shall be a person whose at least one ascendant is a Bulgarian.
2. "A person permanently residing abroad" shall be a person who lives outside of the Republic of Bulgaria for more than nine months each calendar year unless his/her residence abroad is related to a discharge of a state office by the said person or his/her spouse, or is only related to studies.
3. (New SG No. 41/2001) Any person shall be deemed released from his/her citizenship provided that
 1. they have been released upon their request and under the terms and procedure of the law of their native country;
 2. they lose their citizenship by virtue of the naturalization pursuant to the law of their native country.

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 3. With the entry of this Act into force, the Bulgarian citizenship of persons who have been deprived of it by virtue of the Bulgarian Nationality Act of 1940 and the Bulgarian Citizenship Act of 1948 shall be reinstated.

§ 4. Bulgarian nationals who have been released from Bulgarian citizenship not subject to their request and who have emigrated to countries with which Bulgaria has no emigration agreements shall have their Bulgarian citizenship reinstated if, within three years from the entry of this Act into force, file a formal application to the Minister of Justice. When the persons concerned reside abroad, these applications may be filed through diplomatic or consular missions of the Republic of Bulgaria.

§ 5. Applications filed before the entry of this Act into force shall be considered and decided upon under the to-date conditions and in accordance with the to-date procedure.

§ 6. This Act shall supercede the Bulgarian Citizenship Act (promulgated SG, issue 79 of 1969; amend. issue 36 of 1979, issue 64 of 1986 and issue 38 of 1989).

§ 7. (1) The Minister of Justice shall issue Regulations for application of Chapter Five.

(2) Fees to be determined by the Council of Ministers shall be collected for actions and documents issued in connection with Bulgarian citizenship.

§ 8. (1) This Act shall take effect three months after its promulgation in the State Gazette.

(2) In the time-frame under paragraph 1 the Minister of Justice and the Minister of Education and Science shall issue the acts related to application of this Act.

§ 9. The Minister of Justice shall ensure the implementation of this Act.

This Act was adopted by XXXVIII National Assembly on 5 November, 1998 and the official Seal of the National Assembly was affixed hereto.

ACT ON AMENDMENT AND SUPPLEMENT OF THE BULGARIAN CITIZENSHIP ACT

Promulgated SG No. 41/2001

TRANSITIONAL PROVISION

§ 11. Applications filed before the entry of this Act into force shall be considered and decided upon under the existing conditions and in accordance with the existing procedure.