

## Bulgarian Citizenship After the EU Membership

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*Photographer: Nadezhda Chipeva [Dnevnik]*

After Bulgaria's accession to the European Union, applying for and acquiring Bulgarian citizenship by third-country citizens has been gaining in popularity. As of January 1<sup>st</sup>, 2007, Bulgarian citizens have been free to make use without limitations of the fundamental freedoms of the European Community, including the free movement of people.

It is again Bulgaria's EU membership that explains the recently increased interest of third-country citizens to acquire Bulgarian citizenship, mainly on the grounds of their Bulgarian origin or the Bulgarian origin of one of their parents. This is how acquiring Bulgarian citizenship is seen as yet another opportunity to escape the restrictions of Regulation No 539/2001 (regulating the citizens of which countries may cross the external borders of the EU without a visa, and for whom a visa is absolutely obligatory), as the acquisition of a Bulgarian citizenship automatically overcomes any restrictions of mobility within the Community.

Citizenship and all related institutes in Bulgaria are regulated by the Bulgarian Citizenship Act, which poses

### **the main principles of acquisition**

namely by origin, place of birth and naturalization, and which examines the procedures for acquiring, losing and restoring citizenship.

Acquiring citizenship by origin means that the citizenship of a child follows that of its parents. Every child that has at least one parent with Bulgarian citizenship is a Bulgarian citizen, regardless of its place of birth. The same is true when a Bulgarian citizen acknowledges a child, or when the origin of the child is settled by Court. Any other actions are unnecessary, because the child acquires Bulgarian citizenship automatically by constitution and law.

Acquiring citizenship by birthplace is applied only when acquiring citizenship by origin cannot be applied. In this case a Bulgarian citizen is every person born on the territory of Bulgaria who is not entitled to citizenship by origin.

In order to acquire citizenship by the so-called *general naturalization*, the person who applies for Bulgarian citizenship has to meet certain criteria which are brought in by the Bulgarian law.

Except for the general naturalization, the law also allows for the so-called *privileged naturalization*, which endorses a facilitated procedure for citizenship candidates. Applications for citizenship are to be addressed to the Minister for Justice and are then to be examined by the Council of Citizenship. On the ground of the Council's opinion, the Minister extends a proposal to the President to issue a decree for granting citizenship, or, respectively, refusal or cancellation of the naturalization procedure.

The membership in the European Union brought in sensible change in the workload of the Ministry of Justice. The avalanche-like increase of applications for Bulgarian citizenship from citizens of Macedonia, Moldova, Serbia, Montenegro and Russia on the grounds of Bulgarian origin has been impressive. Expectations are that this tendency shall continue considering the future accession of Bulgaria to the Schengen Agreement, after which our country will execute its obligation as an external border of the European Union to introduce visas for some countries that are not members of the EU. This circumstance additionally stimulates candidates who count on obtaining citizenship before the said changes expected to occur in our visa policy after 2010.

The increased interest in Bulgarian citizenship and the resulting possession of the priceless European passport are two of the reasons why the Council of Ministers launched a general strategy in regulating the migration stream that targets Bulgaria as a final destination or as a "spring-board" to the other EU countries. The government is in the process of preparing a unified concept for developing a national policy on migration, part of which is facilitating the procedures of obtaining Bulgarian citizenship on the grounds of Bulgarian origin as a way of consolidating the Bulgarian minorities outside of the country and helping them to shape up their self-awareness as part of one community. The adequate policy regarding the large numbers of third-country citizens who want to become Bulgarian citizens would balance between two contradicting issues: on the one hand to serve as an appropriate instrument for attracting citizens from countries where Bulgaria traditionally has interests and influence, but on the other hand to act as a special filter that would guarantee the safety of the country and the EU.

There is another tendency in obtaining Bulgarian citizenship which results from changes in the Bulgarian Citizenship Act and is related to the privileged naturalization of foreigners. Lately, in addition to the numerous applications for obtaining citizenship by birthplace, the Ministry of Justice often sees cases in which Bulgaria grants citizenship to foreigners of whom the country has proved necessity or who have special merits to Bulgaria in the spheres of social activities, the economy, science, technology, culture or sports. The procedure is rather facilitated and it begins with a proposal from the minister in charge of the respective area where Bulgaria is interested in attracting the respective person through naturalization, or in which the said person has some special merits. This procedure is applied mainly to athletes who need Bulgarian citizenship in order to compete on the international scene, as well as for

businessmen who claim to have substantial contribution to the development of the Bulgarian economy.

Yet another aspect of the issue of obtaining Bulgarian citizenship practically aims at reaching the common labour market. It is here though that we should recall the limitations contained in the EU Accession Agreements of Bulgaria and Romania. According to Annex VI, during the two-year (transitional) period after the full accession of Bulgaria, EU member states have the right to apply restriction measurements towards the access of Bulgarian citizens to the common labour market. The period of the so-called partial opening of the labour market to Bulgarian citizens can be prolonged for a total of five years.

Regardless of such limitations, obtaining Bulgarian citizenship undoubtedly can ensure access to a number of privileges not only in the field of free movement within the Community. All protection decrees of the primary and secondary European legislation (for example in the field of protection of consumers, protection of competition, etc.) are executed with priority towards Bulgarian citizens.

Regardless of the various grounds for applying for citizenship, it is of significant importance to all candidates that that decrees of the President for acquiring, restoring, releasing from or losing Bulgarian citizenship

**are not subject to judicial control.**

The constant legal practice in this matter shows that the actions preceding the issuance of or the refusal to issue a decree by the President, such as the opinion of the Citizenship Council and the proposal of the Minister of Justice to the President to issue or not to issue a decree, are not subject to appealing either.

The main reason for the absence of a procedure for appeal is that Bulgaria has ratified the European Convention for Citizenship with a reservation towards article 12, thus preserving the right not to apply its prescriptions. According to article 12, every country has to provide the necessary conditions so as the decisions for acquisition, losing or restoring citizenship to be subject to administrative control or legal appeal in accordance with the domestic legislation.

For the time being, the Bulgarian legislation does not provide for such regulation. In a number of cases, that deprives candidates for citizenship from protection in the application procedure. One of the forthcoming steps in this direction should thus be adopting a law that will envisage an appeal procedure of the mentioned acts with a view of introducing such adequate protection of citizens that would correspond to that in the EU.