



Pathways to citizenship for third-country nationals in the EU Member States

Common Template for EMN Study 2019

Final version: 5 August 2019

Subject: Pathways to citizenship for third-country nationals in the EU Member States

Action: EMN NCPs are invited to complete this template and submit their national report by 2 December 2019.

If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com.

1 STUDY AIMS AND RATIONALE

The European Convention on Nationality, signed in 1997, establishes principles and rules relating to the acquisition and loss of nationality and issue of multiple nationality. To date, 20 Member States have signed the Convention,¹ while 13 EU Member States have ratified it.² Although awarding citizenship is a prerogative of the Member States, national regulations have to be implemented with due regard to EU law. This is particularly important as the establishment of Union citizenship by the Maastricht Treaty in 1992 conferred a number of rights and privileges to all persons who are citizens of an EU Member State. Examining and comparing the different rules and regulations in place in Member States is relevant, as the right to free movement for Union citizens means that the decision of one country over who to accept or reject as citizens can impact all other Member States as well. The acquisition of citizenship has been a topic of debate in many Member States in recent years, with the need to integrate migrants.

This EMN study aims at mapping and comparing the various approaches of EU Member States regarding third-country nationals' acquisition of citizenship in a Member State. It will focus in particular on the ordinary naturalisation for new migrants³ to the EU and therefore largely excludes the acquisition of citizenship through special naturalisation⁴. Ordinary naturalisation is considered to be "any acquisition after birth of a citizenship not previously held by the person concerned that requires an application to public authorities and a decision by these."⁵ This study will include a review of the conditions and requirements for naturalisation (e.g. length of legal stay, definition of legal stay, knowledge of language, economic and housing situation) and the administrative processes used by the Member States to determine whether a person is eligible to acquire citizenship or not. The study will examine whether Member States' permit dual citizenships and, if so, under which conditions. The study will also aim to explore how the acquisition of citizenship links to integration policies in the Member States, and whether naturalisation is considered the end-point of an integration process or whether acquisition of citizenship is intended to facilitate integration.

1.1 TARGET GROUPS / AUDIENCES

This study targets policy-makers at EU level (e.g. in the area of integration and intra-EU free movement) as well as broader target groups at national level, such as national policy-makers (migration/integration), researchers, and experts at those national authorities that are responsible for citizenship-related administrative procedures. This study would also be of interest to the wider public because of its topicality and due to the growing number of individuals becoming citizens of a Member State of the EU or acquiring a second (dual) citizenship.

¹ AT, BG, CZ, DE, DK, EL, FI, FR, HR, HU, IT, LU, LV, MT, NL, PL, PT, RO, SK, SE

² AT, BG, CZ, DE, DK, FI, HU, LU, NL, PT, RO, SK, SE

³ For the purpose of this study, 'new migrants' refer to third-country nationals who do not have a pre-existing historical tie with the Member State (ethnic, family, historical).

⁴ *i.e.* acquisition of citizenship through automatic acquisition, by marriage, through investor scheme and for political and/or discretionary reasons are excluded from the scope of this study

⁵ R. Baubock and S. Wallace Goodman (2011), EUDO Citizenship Policy Brief n°2, Naturalisation, available at: http://eudo-citizenship.eu/docs/policy_brief_naturalisation.pdf

2 SCOPE OF THE STUDY

The study focuses on citizenship matters as defined in the EMN glossary or otherwise commonly used. It shall cover the acquisition, by a third-country national, of the citizenship of an EU Member State. The study covers the broad category of third-country nationals who immigrated to the EU as first generation ('new migrants') and thus excludes second-and third generation migrants. If it is difficult to make the distinction in your Member State, please mention this throughout the template wherever relevant. EU citizens acquiring the citizenship of another EU Member State are not covered. The acquisition of citizenship of an EU Member State by persons living in a third country is also outside of the scope of this study.

As far as policies and legislation regarding the acquisition of citizenship is concerned, this study shall reflect the most recent situation and developments in the Member States, therefore focusing on 2019. Regarding policy and legal developments, it also appears useful to trace any such developments over the past five years. If reasonable, contributing EMN NCPs may also include planned legal or policy developments that have not yet come into effect at the time of writing.

As regards statistics, the study shall cover a five-year period, from 2014 to 2018.

3 EU LEGAL AND POLICY CONTEXT

The integration of third-country nationals has become an important policy topic in many Member States, not least as a result of the large number of new migrants who arrived in the EU in 2014-2016 and received international protection. When, how and under which circumstances a third-country national can acquire the citizenship of an EU Member State is an essential dimension of integration processes. The acquisition of citizenship can be seen as the final step of an individual's successful integration process, as an incentive for individuals to become part of a new society or both. According to Eurostat, roughly 825 000 individuals became citizens of a Member State of the EU in 2017, most of them in Italy, the United Kingdom, Germany and France. As the EMN has not previously conducted a comparative study on the acquisition of citizenship, the proposed topic will fill a significant gap in the thematic activities of the network.

Awarding citizenship is a prerogative of the Member States, which they must exercise having due regard to EU law.⁶ Indeed, Member States solely are responsible for laying down the conditions for the acquisition of citizenship.⁷ However, citizens of a Member State also enjoy the rights of EU citizenship, including that of mobility and free movement across all Member States. As such, the determination of citizenship by one Member State implies a responsibility to all others. In this sense, citizenship has an important EU dimension. As pointed out by the Court of Justice of the EU, while laying down the conditions of acquisition and loss of citizenship falls within the remit of national competence, in doing so Member States must have due regard to EU law.

Three main modes of naturalisation exist:⁸

- Ordinary naturalisation – residence-based naturalisation, which does not foresee any waivers of conditions normally envisaged for applicants;
- Discretionary naturalisation on grounds of national interest – fully discretionary naturalisation, where authorities waive all or almost all naturalisation conditions;
- Discretionary facilitated naturalisation on grounds of national interest – discretionary naturalisation, where authorities waive some but not all naturalisation conditions.

Furthermore, as noted by the European Commission, 24 additional types of acquisition of citizenship are found in the EU, including the facilitation of conditions for certain ethnic groups, on grounds of socialisation or family links.⁹ This hints at the complexity of the legal provisions surrounding the acquisition of citizenship.

The study will also seek to examine how the Member States support third-country nationals in applying for citizenship and inform them about their rights and duties as national and EU citizens.

The study also presents an opportunity for Member States to cooperate and share good practices on matters relating to citizenship and integration by comparing and analysing the various national rules and procedures used at national level.

⁶ See Judgment of 7 July 1992, *Micheletti and Others v Delegación del Gobierno en Cantabria*, C-369/90, EU:C:1992:295, paragraph 10; Judgment of 11 November 1999, *Belgian State v Mesbah*, C-179/98, EU:C:1999:549, paragraph 29; Judgment of 20 February 2001, *Kaur*, C-192/99, EU:C:2001:106, paragraph 19; Judgment of 19 October 2004, *Zhu and Chen*, C-200/02, EU:C:2004:639, paragraph 37; Judgment of 2 March 2010, *Rottmann*, C-135/08, EU:C:2010:104, paragraph 39

⁷ See [Case Tjebbes and others C-221/17](#), Judgment of the Court of 12 March 2019, and [Case Rottmann C-135/08](#), Judgment of the Court of 2 March 2010

⁸ European Commission (2019). Part A Study Investor Citizenship and Residence Schemes, Notes accompanying Deliverable A. Available at: https://ec.europa.eu/info/files/part-study-investor-citizenship-and-residence-schemes_en. This study focuses on ordinary naturalisation

⁹ European Commission (2019). Part A Study Investor Citizenship and Residence Schemes, Notes accompanying Deliverable A. Available at: https://ec.europa.eu/info/files/part-study-investor-citizenship-and-residence-schemes_en

4 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

- Under what conditions can first generation migrants obtain the citizenship of the countries participating in this study? This includes, among other conditions/requirements, the length of legal stay in the country (with temporary/permanent residence status), the definition of legal stay or residence, knowledge of the language, economic situation, suitable housing, good conduct, or any legal or symbolic commitments to adhere to societal rules and norms.
- Are conditions different for different groups of third-country nationals, such as refugees or other groups significantly represented in the respective Member State (e.g. children, citizens of neighbouring third-countries, stateless people, investors)?
- Are there different procedures to acquiring citizenship (such as ordinary naturalisation by registration or by application)? How do these procedures work and how long do they take? To what extent are these procedures digitalised and applications submitted electronically?
- Is dual citizenship possible, and if so, under what conditions?
- What is the role of citizenship, including dual or multiple citizenships, in immigrant integration?

5 RELEVANT SOURCES AND LITERATURE

Comparable EU statistics on the acquisition of citizenship in the Member States are available at Eurostat. Additional statistical material should be available, in each country, at national level. It should be noted that although this study focuses on first-generation migrants, statistics extracted from Eurostat and provided by Member States will generally include all third-country nationals, including children/persons with a migrant family background ('second- and third-generation').

Many reports, analyses and comparisons regarding citizenship are available at the Global Citizenship Observatory [GLOBALCIT](#), the successor of EUDO CITIZENSHIP, which started in 2009 with a focus on citizenship laws in the EU Member States and then gradually expanded its scope. The [MACIMIDE Global Expatriate Dual Citizenship Dataset](#) charts the rules that existed in near all states of the world since 1960 with regard to the loss or renunciation of citizenship after a citizen of a respective state voluntarily acquires the citizenship of another state. The [Quality of Nationality Index](#) is relevant in that provides information on citizenship by investment.

Recent reports and EMN Ad-hoc queries are worth considering for this study, such as:

- European Commission, [Report on Investor Citizenship and Residence Schemes in the European Union](#), January 2019, accompanied by its Staff Working Document
- Milieu Study on "[Factual analysis of Member States Investors' Schemes granting citizenship or residence to third-country nationals investing in the said Member State](#)"
- European Parliament, [Briefing on Acquisition and loss of citizenship in EU Member States](#), July 2018
- 'Settling In' 2018, Indicators of Immigrant Integration, OECD
- EMN Ad-hoc query 2019.23 on investor schemes (golden passports)
- [Migrant integration policy index](#)¹⁰
- EMN Ad-hoc query 2015.709 on [Fees for Citizenship Application](#) (2015)
- EMN Ad-Hoc Query 2015.669 on [Exceptions to an obligation to be released from the old citizenship before acquiring a new one](#) (2015)
- EMN Ad-hoc query 2012.399 on [Citizenship Tests](#) (2012)
- EMN Ad-hoc query 2012.402 on [Dual Citizenship](#) (2012)
- OECD study on Naturalisation and the Labour Market - Integration of Immigrants¹¹
- Fundamental Rights Agency, [Second European Union Minorities and Discrimination Survey – main results](#), December 2017
- EMN Ad-hoc query 2015.719 on the [establishment of identity in connection with naturalisation](#) (2015)

To draft their contributions to this study, EMN NCPs should describe and analyse the respective national laws and policy documents regarding the acquisition of citizenship. Administrative handbooks as well as enquiry and research reports should also be used.

6 AVAILABLE STATISTICS

As far as comparable statistics are concerned, Eurostat provides the following data sets for each EU Member State:

- **Residents who acquired citizenship as a share of resident non-citizens by former citizenship (EU / non-EU) and sex** – annual data [migr_acqs].
Note: This type of data can provide an indication of how easy or difficult it is in the various Member States to acquire the citizenship of the country of residence.

¹⁰ <http://www.mipex.eu/access-nationality>

¹¹ <https://www.oecd.org/els/mig/48328760.pdf>

- **Acquisition of citizenship by age group, sex and former citizenship** (all former EU and non-EU citizenships) – annual data [migr_acq]

Note: This dataset is the most important one regarding quantitative analyses of the acquisition of citizenship in the Member States.
- **Acquisition of citizenship by age group, sex and level of human development of former citizenship** – annual data [migr_acq1ctz]

Note: In this data set, former citizenships are grouped in accordance with position in human development index.

Note: These data are not available for all EU Member States.

7 DEFINITIONS

According to the European Convention on Nationality, "**nationality**" means the legal bond between a person and a State and does not indicate the person's ethnic origin.¹² A case of the Court of Justice of the EU further defined nationality as "the special relationship of solidarity and good faith between [a Member State] and its nationals and also the reciprocity of rights and duties, which form the bedrock of the bond of nationality".¹³

"**Multiple nationality**" means the simultaneous possession of two or more nationalities by the same person.¹⁴ For the purpose of this study, the term "dual citizenship" is used.

According to the EMN glossary,¹⁵ the term "**citizenship**" is defined as "the particular legal bond between an individual and their State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation."

It is noted that, as per the EMN Glossary, in some Member States, a distinction is made between citizenship and nationality, whereas in the EU context, no distinction is made, and the two terms are considered interchangeable. Those countries which distinguish between citizenship and nationality, the term citizenship refers specifically to the legal rights and duties of nationals.

"**Acquisition of citizenship**" refers to "Any mode of becoming a national, i.e. by birth or at any time after birth, automatic or non-automatic, based on attribution, declaration, option or application".¹⁶

This study explores the acquisition of citizenship through naturalisation. "**Naturalisation**" means "any mode of acquisition after birth of a nationality not previously held by the target person that requires an application by this person or their legal agent as well as an act of granting nationality by a public authority".¹⁷ As per a recent report published by the European Parliament, a distinction is made 'between ordinary naturalisation – when the primary grounds of acquisition of citizenship is a certain period of residence in the country, and special naturalisation – when the acquisition of citizenship is based on other considerations, such as family links, ethno-cultural connections or special contributions'.¹⁸ The first definition will be used for the purpose of this study, meaning that the emphasis is on the third-country nationals acquiring citizenship on the basis of an application process following a minimum legal residing period.

Ius sanguinis refers to "the determination of a person's nationality on the basis of the nationality of their parents (or one parent or one particular parent) at the time of the target person's birth and at the time of acquisition of nationality by the target person (the two points in time are different in cases of acquisition after birth).¹⁹

In contrast to this, **ius soli** refers to "the principle that the nationality of a person is determined on the basis of their country of birth".²⁰ The different categories of ius soli are defined as follows:²¹

- Unconditional ius soli: on the basis of birth. Citizenship is automatically granted to those born in the country, regardless of any other conditions;
- Conditional ius soli: on the basis of certain conditions, e.g. minimum period of residence in the country of the parents;
- Automatic double ius soli: on the basis of parental birth in the country. Children born in the country to foreign citizens can automatically acquire citizenship at birth if at least one of their parents was also born in the country;

¹² Article 2(a), European Convention on Nationality, available at: <https://rm.coe.int/168007f2c8>

¹³ Judgment of 2 March 2010, Rottmann, C-135/08, available at: <http://curia.europa.eu/juris/liste.jsf?num=C-135/08>

¹⁴ Article 2(b), European Convention on Nationality, available at: <https://rm.coe.int/168007f2c8>

¹⁵ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

¹⁶ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

¹⁷ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

¹⁸ European Parliament (2018). Acquisition and loss of citizenship in EU Member States – Key trends and issues, available at: [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2018\)625116](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2018)625116)

¹⁹ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

²⁰ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

²¹ <http://eudo-citizenship.eu/docs/ius-soli-policy-brief.pdf>

- Conditional double ius soli: on the basis of certain conditions and parental birth in the country. Children born in the country to foreign citizens can acquire citizenship at birth if at least one of their parents was also born in the country under certain conditions, e.g. minimum period of residence for parents.

8 ADVISORY GROUP

- SE EMN NCP (Chair)
- COM (DG Migration & Home Affairs)
- AT EMN NCP
- BE EMN NCP
- CY EMN NCP
- EE EMN NCP
- EL EMN NCP
- FI EMN NCP
- FR EMN NCP
- HU EMN NCP
- IE EMN NCP
- LT EMN NCP
- LU EMN NCP
- LV EMN NCP
- SI EMN NCP
- SK EMN NCP
- Odysseus network expert
- ICF (EMN Service Provider)
- Fundamental Rights Agency (FRA)

9 TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
5 August	Launch
2 December	Submission of national reports by EMN NCPs
10 January	First synthesis report to COM
17 January	Deadline for comments
22 January	Circulation of the first SR to all NCPs
5 February	Deadline for comments
March 2020	Publication

10 Template for national contributions

The template provided below outlines the information that should be included in the national contributions of EMN NCPs to this Study. For national contributions, the total number of pages should not exceed **35-40 pages**, including questions and excluding the Statistical Annex. A limit of **25-30 pages** will also apply to the synthesis report, in order to ensure that it remains concise and accessible.

Common Template of EMN Study 2019

Pathways to citizenship for third-country nationals in EU Member States

National Contribution from *Member State*^{*22}

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet [max. 1 page]

*The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

Please provide a concise summary of the main findings of Sections 1-7:

²² Replace highlighted text with your **Member State** name here.

Section 1: Legal and policy overview

Q1. With reference to international law, is your Member State a party to the:

a) 1961 UN Convention on the Reduction of Statelessness?

- Yes.
 No. *Please explain why:*

If no, please explain why:

b) 1997 European Convention on Nationality?

- Yes.
 No. *Please explain why:*

If no, please explain why:

Q2. Which are the main legal instruments covering the acquisition of citizenship for third-country nationals in your Member State? For example, is the acquisition of citizenship laid out in the constitution?

Please explain in the form of a short, succinct narrative, starting from general principles to application rules.

Please explain:

The Constitution of the Republic of Bulgaria (in force as of 13.07.1991, lastly amended on 18.12.2015) is the main legal instrument which provides for the general legal framework and regulates the fundamental rights and obligations of citizens. More specifically, Art. 25 of it envisages that Bulgarian citizen shall be anyone born of at least one parent holding a Bulgarian citizenship, or born on the territory of the Republic of Bulgaria, provided that the person is not entitled to any other citizenship by virtue of origin. The Constitution underlines that no one shall be deprived of Bulgarian citizenship acquired by birth.

It is explicitly stated in the Constitution that Bulgarian citizens cannot be delivered to other state or international court for the purposes of punitive prosecution unless this is provided in international agreement, ratified, promulgated and entered into force for the Republic of Bulgaria. Any Bulgarian citizen abroad shall be accorded the protection of the Republic of Bulgaria.

The Constitution stipulates as well that the Bulgarian citizenship shall further be acquirable through naturalisation. A person of Bulgarian origin shall acquire Bulgarian citizenship through a facilitated procedure. The conditions and procedure for the acquiring, preservation or loss of Bulgarian citizenship shall be established by law as provided in Art.26, para 6 of the Constitution.

The conditions and the order of acquiring, losing and restoration of Bulgarian citizenship are determined by the Bulgarian Citizenship Act (BCA, *in force as of 20.02.1999, lastly amended on 18.09.2018*). It provides for that the Bulgarian citizenship is regulated by the Constitution of the Republic of Bulgaria, the BCA and the international agreements which are in force upon occurrence of facts or events related to citizenship. A Bulgarian citizen who is also citizen of another state shall be considered only Bulgarian citizen when applying the Bulgarian legislation, unless the BCA provides otherwise.

Chapter II of the BCA regulates the acquisition of the Bulgarian citizenship. Thus, in accordance with the basic principles for acquiring Bulgarian citizenship stipulated in the legislation there are three grounds based on which the Bulgarian citizenship is granted by origin, place of birth or acquired by naturalisation.

The necessary documents required in a procedure for acquiring Bulgarian citizenship are set out in Ordinance No. 1 of 19 February 1999 on the Application of Chapter Five of the Bulgarian Citizenship Act (promulgated, State Gazette, issue 19 of 2 March 1999)

Please provide references to the main relevant laws and (name and date).

These grounds are further elaborated in the BCA and specify as follows:

- Bulgarian citizen by origin is everybody of whom at least one of the parents is Bulgarian citizen. Bulgarian citizen by origin is also every person who has been recognised as a child by a Bulgarian citizen or whose origin from a Bulgarian citizen has been established by a court decision.

- Bulgarian citizen by place of birth is every person born on the territory of the Republic of Bulgaria if he does not acquire another citizenship by origin. Considered as born on the territory of the Republic of Bulgaria is a child found on Bulgarian territory, whose parents are unknown.

- Art. 12 of the BCA provides for the conditions under which a person who is not a Bulgarian citizen can acquire Bulgarian citizenship by naturalisation. It is of importance that at the date of filing the application the person:

1. has become of age;
2. before no less than 5 years has been given permit for long term stay in the Republic of Bulgaria;
3. has not been convicted for premeditated crime of general nature by a Bulgarian court and against him/her criminal prosecution has not been instituted for such crime, unless rehabilitated;
4. has income or occupation for ensuring his/her living in the Republic of Bulgaria;
5. has command of Bulgarian which shall be ascertained in accordance with an Ordinance by the Minister of Education and Science and
6. who is released from his present citizenship or will be released from it by the moment of acquiring Bulgarian citizenship.

There are several exceptions from the last requirement concerning individuals who are spouses of Bulgarian nationals; nationals of a Member State of the European Union, of a state - party to the Agreement on the European Economic Area or of Swiss Confederation as well as in regard to nationals of countries with which the Republic of Bulgaria has signed reciprocity agreements.

In accordance with Art.12a the presence of conditions 1-4 of Art. 12 of the BCA is considered sufficient for acquiring of Bulgarian citizenship by investors who have been granted a permanent residence permit and their family members - within the meaning of Art. 25, Para 1, items 6, 7 or 8 of the Law on Foreigners in the Republic of Bulgaria (LFRB). The same rule applies to the investors under Art. 25, para 1, item 13 of the LFRB – in relation with Art. 25c, Para 2 and 3 and under Art. 25, Para 1, item 16 of the same law.

In compliance with Art. 13 of the BCA a person who is not Bulgarian citizen, meets the requirements under Art. 12, items 1, 3, 4, 5 and 6 and, for no less than 3 years by the date of filling the application for naturalisation has obtained permit for permanent or long term stay in the Republic of Bulgaria, can acquire Bulgarian citizenship if he/she:

- has and maintains legally concluded marriage with Bulgarian citizen for a period no less than 3 years or
- was born in the Republic of Bulgaria or
- was given a permit for permanent or long term stay before coming of age.

The Bulgarian citizenship can be acquired also by a person who has been granted a refugee or protection status and meets the requirements of art. 12, para 1, item 1, 3, 4 and 5 – provided that the status has been granted not later than three years by the date of filing the application for naturalisation. The same possibility exists and conditions apply regarding persons who have been granted humanitarian status – provided that the status has been granted at least five years before the application for naturalisation has been submitted.

When it comes to a stateless person the conditions for acquisition of Bulgarian states are the following: granted permit for permanent or long term stay in the Republic of Bulgaria citizenship if not later than 3 years by the date of filing the application for naturalisation and the requirements of Art. 12, para 1, item 1, 3, 4 and 5 should also be met.

There are specific provisions with regard to investors in case they do not meet all requirements stipulated in the general rule mentioned above. Thus, according to Art.14a of the BCA they have to meet at least the requirements under Art. 12, para 1, items 1 and 3 and may acquire Bulgarian Citizenship by naturalization if:

1. not less than one year ago he/she is granted permanent residence in the Republic of Bulgaria permit on the grounds of Art. 25, Para 1, item 6 or 7 of the LFRB and:

a) increased their investment under the same terms of the Act in amount of at least BGN 2 million or

- b) invested into the capital of a Bulgarian trade company not less than BGN 1 million for completed by the company priority investment project, certified according to the Investments Promotion Act.
2. not less than 1 year ago he/she was granted a permanent residence in the Republic of Bulgaria permit on the grounds of Art. 25, Para 1, item 13 in relation with Art. 25c, item 1 of the LFRB, during which year the executed and entered into exportation investments are maintained over the minimal level required for the issuance for an investment certificate class A as per the Investment Promotion Act, evidenced by the Ministry of Economy.
- (2) In the cases of Para 1, item 2, the Bulgarian company shall not :
1. be announced in insolvency or in initiated procedure of insolvency or have a concluded agreement with the creditors as per Art. 740 of the Commerce Act;
 2. be in liquidation procedure;
 3. have monetary obligations to the State or to the municipality as per Art. 162, Para 2 of the Tax- Insurance Procedure Code, found with an effective act of a competent body, except for the cases where the obligations are prolonged or postponed;
 4. have due labour remunerations to workers and employees, found with an effective punitive decree.
- The Bulgarian legislation provides for facilitations for acquiring Bulgarian citizenship in several cases:
- A) A person who is not Bulgarian citizen can acquire Bulgarian citizenship by naturalisation, without the presence of the conditions under Art. 12, para 1, item 2, 4, 5 and 6 if he meets one of the following requirements:
1. has Bulgarian origin;
 2. has been adopted by a Bulgarian citizen under the conditions of full adoption;
 3. one of his parent is Bulgarian citizen or deceased as a Bulgarian citizen.
- In such cases the proceedings for obtaining Bulgarian citizenship shall be accompanied by a certificate for Bulgarian origin, issued by the State Agency for the Bulgarians Abroad and indicating the information on the basis of which the Bulgarian origin has been found.
- B) A person 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.
- C) 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 wish so.
- D) 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 wish so. The same conditions apply to all persons who have been adopted by Bulgarian citizens under the conditions of full adoption can acquire Bulgarian citizenship.

Q3. Have the laws and policies regarding third-country nationals' acquisition of citizenship in your country undergone any major changes in recent years which significantly changed the procedures or requirements of the acquisition of citizenship²³? If yes, what have been the main drivers for the change? (e.g. EU /national case law, changes in other aspects of (national) migration law or policy etc.) Kindly note that the response should refer to the target group of the study only.

No

²³ In the framework of this study, the aim is to identify and assess potential changes that may have occurred in the past five years. Please limit your analysis to the 2014-2019 period. However, should important changes occurred in 2013, you can still mention those and explain the impact on the current rules in place.

Please elaborate:

There are no considerable changes in the general principles during the period specified above. The legislation concerning the possibility for acquiring Bulgarian citizenship provided to investors and presented under Q2 explicitly has been adopted in 2013 and amended in 2015. The changes introduced in the text have been initiated with the only aim to reflect the correct references to the legal grounds stipulated in the LFRB (i.e. the references to Art.25, para 1, items 6 and 8 have been replaced by a reference to Art.25, para 1, items 6 and 7) and a few legal adjustments (from technical nature mainly) have also been undergone in order to clear up two different hypotheses in Art.14a, para 1, item 1, letters a) and b) of the BCA.

Please, note the information provided under Q4 below.

Q4. Have there been any major debates or national issues about third-country nationals holding or acquiring the citizenship of your Member State in recent years? If so, have these debates included the acquisition also of EU citizenship rights (such as right to vote, right to free movement including labour mobility, consular protection and right to protection, etc.)? Please specify in which framework these debates were held (e.g. policy-makers, media, general public).

No

Please elaborate:

There were not major debates at national level about third-country nationals holding or acquiring the citizenship of Bulgaria.

However, having in mind the outcome of the analysis at national level after the adoption of the legislation on investors acquiring Bulgarian citizenship some changes in the legislation have been initiated.

A draft law amending the BCA has been prepared proposing the abolition of some of the grounds on the basis of which investors in the Republic of Bulgaria may acquire Bulgarian citizenship. More specifically, the proposed amendment concerns Art. 12a of the BCA (mentioned in our reply to Q2) and states that the references to Art.25, para 1, items 6 and 7 should be deleted. The amendment is directed to Art. 14a of the BCA as well and it suggests a deletion with regard to para 1, item 1, letter "a)".

The above mentioned legislative proposals are also in line with European Commission conclusions in its Report on investor citizenship and residence schemes in the European Union adopted on 23 January 2019.

The draft law was adopted by the Council of Ministers and submitted to the national legislator. At this stage the draft law amending the BCA is being discussed by the relevant Committee within the National Assembly - at first reading currently.

Q5. From a legal perspective, is there a distinction between nationality and citizenship in your Member State? If so, what are the differences?

Yes

Please elaborate:

In the Bulgarian legislation, the concept of "citizenship" determines the legal relation between the state and a person.

The concept of "nationality" is generally related to a person's ethnicity.

Q6. Is the acquisition of citizenship in your Member State based on the *ius sanguinis* or the *ius soli* principle, on a mixture of these principles, or on other principles? Please check the appropriate box and explain.

ius sanguinis.

Please explain:

ius soli. Please explain:

Unconditional *ius soli*.

Please explain:

Conditional *ius soli*.²⁴

Automatic double *ius soli*.²⁵

Please explain:

Pursuant to Article 10 of the Bulgarian Citizenship Act, a Bulgarian citizen by place of birth is any person born on the territory of the Republic of Bulgaria unless they acquire another citizenship as per their origin.

Conditional double *ius soli*.²⁶

Mixed *ius soli* and *sanguinis*.

Other.

Q7. In which modes can third-country nationals acquire the citizenship of your Member State? Please check all boxes that apply and briefly describe the main modalities). Kindly note that the response should refer to the target group of the study only. This question links to Statistical Annex 1.2.

By ordinary naturalisation.

²⁴ This means that certain conditions have to be fulfilled, e.g. minimum period of residence in the country of the parents.

²⁵ This means that children born in the country to foreign citizens can automatically acquire citizenship at birth if at least one of their parents was also born in the country

²⁶ This means that children born in the country to foreign citizens can acquire citizenship at birth if at least one of their parents was also born in the country under certain conditions, e.g. minimum period of residence for parents.

Please explain: The Bulgarian Citizenship Act provides for several legal ways of acquiring Bulgarian citizenship by persons who are third-country nationals concerning the so called "new migrants":

1. Pursuant to Article 12 of the Act, Bulgarian citizenship may be acquired by a person who received, not more than 5 years before, permission for permanent or long-term residence in the Republic of Bulgaria.

2. Pursuant to Article 13a of the Bulgarian Citizenship Act:

a) A person who has the status of a refugee or asylum may acquire Bulgarian citizenship if the person was granted the status not less than three years before as of the date of lodging the application for naturalisation.

b) With respect to a person with a humanitarian status, the requirement is that the status was granted not less than 5 years before the date of lodging the application.

3. A person without citizenship as per Article 14 of the Bulgarian Citizenship Act may acquire Bulgarian citizenship if not less than three years before the date of lodging the application for naturalisation the person had a permission for permanent or long-term residence in the Republic of Bulgaria.

With respect to the persons under items 1, 2 and 3, the Bulgarian Citizenship Act also requires that they have become of age and that they have not been convicted of an intentional crime of a general nature by a Bulgarian court, that no criminal proceedings were instituted against them on the account of such a crime, unless they have been rehabilitated, that they have income or occupation allowing them to make a living in the Republic of Bulgaria and that they know Bulgarian which is established in a procedure laid down in an ordinance of the Minister of Education and Science.

With respect to the persons under item 1, the law also requires that they give up their current citizenship.

By special naturalisation By special naturalisation (e.g. based on considerations such as historical / ethno-cultural considerations, for political or other discretionary reasons, investment scheme). Please explain, briefly outlining the different types of special naturalisation available in your Member State:

By declaration/notification.

Please explain: Pursuant to Article 29, para 3 of the Bulgarian Citizenship Act, Bulgarian citizenship is acquired upon an application from the interested person, lodged in person to the Ministry of Justice or the consular representation of the Republic of Bulgaria

Other (e.g. reinstatement of former citizenship). Please explain, briefly outlining any other modes of naturalisation not covered above:

Please explain: In addition to the above cases, the Bulgarian Citizenship Act sets out other grounds for the acquisition of Bulgarian citizenship because of naturalisation:

Under Article 12a of the BCA, citizenship may be acquired by a person who has received permission for permanent residence in the country at least 5 years before the lodging of the application for the acquisition of Bulgarian citizenship as a result of naturalisation on the basis of investment made exceeding BGN 1 million through the purchase of government securities, title of ownership over a certain part of the property of a Bulgarian commercial company, Bulgarian intellectual property and rights under concession agreements, or has invested the amount in a licensed credit institution under a discretionary management agreement, or has invested an amount of not less than BGN 6 million in a Bulgarian company or as a member of the family of such a person, or performs activities which are certified under the Investment Encouragement Act or makes an investment by means of contributing to the capital of a Bulgarian commercial company of not less than BGN 500,000 and at least 10 jobs were opened for Bulgarian citizens.

A person who has received permission for permanent residence in the Republic of Bulgaria based on an investment made not less than one year before the lodging of the application for acquisition of Bulgarian citizenship as per naturalisation and increased the investment under the same terms to at least BGN 2 million, or invested in the capital of a Bulgarian commercial company not less than BGN 1 million for a priority investment project implemented by the company certified under the Investment Encouragement Act, or performs activities certified under the Investment Encouragement Act and the investment made and commissioned is maintained above the minimum threshold for the issuance of a Class A Investment Certificate under the Investment Encouragement Act may acquire Bulgarian citizenship under the terms of Article 14a of the BCA.

Pursuant to Article 13 of the BCA, a person who is not a Bulgarian citizen may acquire Bulgarian citizenship if they entered into a lawful marriage not less than 3 years before that with a Bulgarian citizen.

Article 15, para 1 of the BCA lays down more lenient terms for the acquisition of Bulgarian citizenship:

As per item 1 of the mentioned provision, the person needs to be of Bulgarian origin.

Under item 2 and item 3, the applicants need to prove that they were adopted by Bulgarian citizens under the terms of full adoption, respectively that one of their parents is a Bulgarian citizen or deceased as Bulgarian citizen.

Article 16 of the BCA provides for the acquisition of Bulgarian citizenship by a person with respect to whom the Republic of Bulgaria has an interest in their naturalisation or if the person has made a special contribution to the Republic of Bulgaria in the public and economic sphere, in the field of science, technology, culture and sport.

Q8. What is the most common / frequent way from those mentioned above for third-country nationals to acquire citizenship in your Member State?²⁷ *This question links to Statistical Annex 1.2.*

Please elaborate: According to statistical appendix 1.2, the most widespread mode of acquiring Bulgarian citizenship as per naturalisation is based on Bulgarian origin.

²⁷ Please note that statistics on the number of third-country nationals who have acquired the citizenship of your country each year between 2014-2018, differentiated by the grounds of acquiring citizenship are requested in the Statistical Annex.

Section 2: Conditions and requirements for the acquisition of citizenship after birth through ordinary naturalisation

In cases where citizenship is not acquired at birth, what are the requirements and conditions that third-country nationals have to fulfil to obtain citizenship of your Member State? Please provide a brief overview of the conditions and requirements. Further details are to be provided in the subsequent questions.

Please explain:

1. Pursuant to Article 12 of the BCA, Bulgarian citizenship may be acquired by a person who has received, at least 5 years before, permission for permanent or long-term residence in the Republic of Bulgaria.

2. Pursuant to Article 13a of the BCA:

- A person with a refugee or asylum status granted in Bulgaria may acquire Bulgarian citizenship if the person was granted the status not less than three years before the date of lodging the application for naturalisation.

- With respect to a person with a humanitarian status, the requirement is that the status was granted not less than 5 years before the date of lodging the application.

3. A person without citizenship as per Article 14 of the BCA may acquire Bulgarian citizenship if not less than three years before the date of lodging the application for naturalisation the person has had a permission for permanent or long-term residence in the Republic of Bulgaria.

With respect to the persons under items 1, 2 and 3, the Bulgarian Citizenship Act also requires that they have become of age and that they have not been convicted of an intentional crime of a general nature by a Bulgarian court, that no criminal proceedings were instituted against them on the account of such a crime, unless they have been rehabilitated, that they have income or occupation allowing them to make a living in the Republic of Bulgaria and that they know Bulgarian, which is established in a procedure laid down in an ordinance of the Minister of Education and Science.

With respect to the persons under item 1, the law also requires that they give up their current citizenship.

Please note that the questions below only refer to cases when the primary grounds of acquisition of citizenship is through ordinary naturalisation (i.e. the legal process whereby a third-country national who is legally present on the territory of a Member State may acquire citizenship of an EU Member State. A new migrant is described as a third country national who does not have a pre-existing historical tie with the Member State (ethnic, family, historical).’ The conditions and requirements in place for second- or third-generation migrants and those migrants with special (e.g. ethnical or linguistic) ties to the country are not covered.

Section 2.1 Eligibility

Period of residence

Q9. After how many years or months of (interrupted/continuous) residence in your country can a third-country national acquire the citizenship of your Member State?

Please explain: Pursuant to Article 12 of the Bulgarian Citizenship Act, Bulgarian citizenship may be acquired by a person who has received, not less than 5 years before, permission for permanent or long-term residence in the Republic of Bulgaria.

A person without citizenship as per Article 14 of the Bulgarian Citizenship Act may acquire Bulgarian citizenship if not less than three years before the date of lodging the application for naturalisation the person has had a permission for permanent or long-term residence.

Q9a: Is this period of residence based on legal residence (i.e. registration at the city hall or in a population registry) or is habitual residence (e.g. proved by house rental, school attendance, tax reports) in the Member State also counted?

Legal residence required.

Please elaborate: The person needs to have been granted permanent or long-term residence in the Republic of Bulgaria by the authorities of the Ministry of Interior.

Presence in the country sufficient

No residence / presence in the Member State is required and citizenship is granted upon entry (e.g. investor schemes).

Please elaborate: In accordance with Art. 15 of the BCA a person who is not a Bulgarian citizen may acquire Bulgarian citizenship by naturalisation, without the presence of the general conditions under Art. 12, para 1, item 2, 4, 5 and 6 (mentioned under Q2) if he/she meets one of the following requirements:

1. has Bulgarian origin;
2. has been adopted by a Bulgarian citizen under the conditions of full adoption;
3. one of his/her parent is Bulgarian citizen or deceased as a Bulgarian citizen.

(2) In the proceedings for obtaining Bulgarian citizenship by naturalisation the application for obtaining Bulgarian citizenship shall be accompanied by a certificate for Bulgarian origin, issued by the State Agency for the Bulgarians Abroad. The certificate shall indicate the information on which the Bulgarian origin has been found.

(3) The certificate under Para 2 shall be issued within a month.

Pursuant to Art. 16 of the BCA: A 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.

Pursuant to Art. 17 of the BCA: 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.

Pursuant to Art. 18 of the BCA:

(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) Under the conditions of para 1 persons who are adopted by Bulgarian citizens under the conditions of full adoption can acquire Bulgarian citizenship.

Pursuant to Art. 19 of the BCA: 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.

Other.

Q9b: Is this period of residence based on effective residence (i.e. physical presence for a regular and extended period in the territory) or is holding a residence permit for the required timeframe sufficient?
 Yes, physical presence necessary.

Please elaborate: Physical presence is necessary because for the purposes of acquiring a Bulgarian citizenship, the person needs to have income or occupation allowing them to make a living in the Republic of Bulgaria.

No, holding a permit is sufficient.

Please elaborate:

Other:

Please elaborate:

Q9c: What proof (e.g. documentary evidence) is required to demonstrate that the minimum period of residence has been met?

Please elaborate: For the required period of residence in the Republic of Bulgaria, the Bulgarian Citizenship Directorate makes an ex officio check in the registers of the Ministry of the Interior via an automated access to the environment of inter-registry exchange.

Q9d: Can the period of residence be interrupted? If yes, how long can this interruption last?

No

Other:

Please elaborate:

Pre-existing legal residence status

Q10. What pre-existing legal residence status of the citizenship applicant is accepted?

Please also indicate for how long each of the given legal statuses has to be held in order for the third-country national to be able to acquire the citizenship of your country. For temporary permits, please indicate to what extent the number of years the third-country national possesses such a permit count towards being granted access to citizenship.

- Permanent residence permit. *Number of years to get this permanent status and number of years necessary to hold it for citizenship acquisition: 5 years as a general rule*
- Refugee status. *Number of years: 3 years*
- Temporary residence permit. *Number of years:*
- Other protection statuses. *Number of years: 5 years in cases where humanitarian status has been granted*
- Other status: *3 years are required in cases where a permit for permanent or long term stay in the Republic of Bulgaria has been granted to stateless persons*

Section 2.2 Conditions

Language

Q11. Is knowledge of the national language(s) required for all naturalisation grounds, and if so, what is the required level?²⁸

Yes.

Please state the required level: Pursuant to the requirement of Article 12, para 1, item 5 of the Bulgarian Citizenship Act, to acquire Bulgarian citizenship as per naturalisation, this category of persons needs to know Bulgarian, which is certified by the Ministry of Education and Science.

Q11a. If yes, how is this proven or evaluated? What evidence is required, and which authority is responsible for assessment (e.g. ministry officials, language experts, private language institutions contracted by state, etc.)?

Please explain: The requirement to prove the knowledge of Bulgarian language is evidenced by means of a certificate issued by the Ministry of Education and Science following an examination where the person needs to demonstrate knowledge allowing them to maintain normal communication on a basic /elementary level.

Q11b. If your Member State uses a language test, has this test ever been evaluated, e.g. has the test led to better knowledge of the national language(s)?

Yes.

Citizenship tests and commitments

Q12. Are citizenship applicants required to pass a citizenship or integration test for all naturalisation grounds? *Please note that this could also include oral interviews.*

Yes.

Please outline the main components of the test. In the course of the proceedings to acquire Bulgarian citizenship, an interview is held, where the person needs to demonstrate their awareness of the form of government in the Republic of Bulgaria, Bulgarian culture and history, geographic position and borders of the Republic of Bulgaria as well as to indicate the rights and obligations the person will have as a Bulgarian citizen.

Q12a. If yes, has the citizenship test ever been evaluated?

Yes.

Please explain: Following an assessment of the questionnaire used in the interviews with applicants to acquire Bulgarian citizenship, additional questions were included in it. The questionnaire was updated in 2017 by virtue of an order of the Minister of Justice.

²⁸ Please indicate the level according to the Common European Framework of References for Languages -CEFR (A1-C2)

Q13. Is the applicant required to legally or symbolically commit to certain values or norms (such as human rights, democracy, quality and the rule of law) for all naturalisation grounds and if so, which ones?

No

Please explain what these values are and what is expected from the applicant.

Q14. Are applicants required to pledge formally allegiance to your Member State (e.g. oath of allegiance?) If yes, does this apply to all naturalisation grounds? Please explain the differences.

No.

Good conduct

Q15. Is the third-country national expected to fulfil any requirements regarding good conduct (e.g. clean criminal record, fulfilment of civic requirements such as payment of taxes), public order, public health and if so, which ones?

Yes.

Please explain: As per the text of Article 12, para 1, item 3 of the Bulgarian Citizenship Act, the person needs to have no convictions, issued by a Bulgarian court on the account of an intentional crime of a general nature and no criminal proceedings should have been instituted against them for such a crime.

On the other hand, the Bulgarian Citizenship Directorate performs an ex officio check in the registers of the National Revenue Agency through an automated access to the environment of the inter-registry exchange regarding the payment of mandatory social security contributions and the existence/lack of obligations.

Pursuant to the Art. 4 of the Ordinance № 1 for implementation of Chapter Five of the Bulgarian Citizenship Act the category of persons under Art. 12 and Art. 13, item 3 and 4 of the BCA shall present a Court certificate, issued by the country whose citizen is the applicant, certifying that the person has no previous convictions and indicating that the document has been issued for the purposes of the Bulgarian citizenship proceedings. If the applicants are entitled to a permanent residence or a long-term stay in the Republic of Bulgaria or in a third country, a court certificate shall be presented also from the local competent authorities. If the applicant is entitled to a permanent or long term stay in the Republic of Bulgaria a document from the prosecutor's office that there is no punitive procedure against the applicant for premeditated crime of general nature is also required.

Q15a. If yes, what proof (e.g. documentary evidence) is required to demonstrate that the criteria for good conduct has been met?

Please elaborate: To evidence "good conduct" in the proceedings to acquire Bulgarian citizenship, the person needs to present a record of convictions from the country whose national the person is. If the person resides permanently or on a long-term basis in the Republic of Bulgaria or a third country, they provide a record of convictions from the local competent authorities. In the cases of permanent or long-term residence in the Republic of Bulgaria, the person also needs to present a document from the prosecutor's office that no criminal proceedings for an intentional crime of a general nature have been instituted against them.

As for the persons under Article 13a and Article 14 of the Bulgarian Citizenship Act, they only need to present a record of convictions from the Republic of Bulgaria and a document from the prosecutor's office that no criminal proceedings for an intentional crime of a general nature have been instituted against them.

Economic resources

Q16. Is the applicant's economic/financial situation or standard of living taken into account and if so, how (e.g. a minimum income level and assets)? Does this apply to all naturalisation grounds? Please explain the differences.

Yes.

Please explain: As per the requirement of Article 12, para 1, item 4 of the Bulgarian Citizenship Act, the person needs to have income or occupation allowing them to make a living in the Republic of Bulgaria.

Q16a. If yes, what proof (e.g. documentary evidence) is required to demonstrate that the minimum income level / assets have been met?

Please explain: The evidence the person needs to present includes: a certificate from an employer that the person is working under a labour or service agreement and from the respective tax authorities on the income declared for the previous year.

Q17. Is the third-country national's housing situation taken into account?

No.

Q17a: If yes, what proof (e.g. documentary evidence) is required to demonstrate that any housing requirements have been met?

Please explain:

Others**Q18. Are there any other requirements not listed above?** Yes.

Please explain: A medical document also needs to be provided in the proceedings to acquire Bulgarian citizenship, to evidence that the person does not suffer from contagious, sexually transmitted diseases and mental illnesses.

Section 2.3 Security**Q19. Are there any specific exclusion criteria (e.g. threats to national security and public order)?** Yes.

Please explain: As per the provision of Article 19 of the Bulgarian Citizenship Act, if there are serious reasons to believe that the person, given their conduct, poses a threat to the public order, public morals, public health or national security, the application for naturalisation shall be rejected.

Section 2.4 Specific groups of third-country nationals**Q20. Are the above-mentioned requirements different for specific groups of third-country nationals, such as the groups listed below. For each group, please briefly explain the main differences that apply:**

- a. Refugees
- b. Other beneficiaries of international protection statuses
- c. Specific categories of legal migrants
- d. Other groups that are significantly represented in your Member State, incl. stateless persons

Q20a. Refugees

Please explain: A person who has been granted the status of a refugee or asylum may acquire Bulgarian citizenship if the status was granted at least three years before as of the date of lodging the application for naturalisation.

Q20b. Other beneficiaries of international protection statuses

Please explain: A person who has been granted a humanitarian status may acquire Bulgarian citizenship if the status was granted not less than 5 years before the date of lodging the application for naturalisation.

Q20c. Specific categories of legal migrants e.g. people with disabilities or people in old age.

Please explain: The Bulgarian Citizenship Act does not set out special provisions related to the acquisition of Bulgarian citizenship by people with disabilities or people in old age.

Q20d.

Other groups that are **significantly represented** in your Member State (e.g. stateless persons, minors, investors, citizens of neighbouring countries).

Please explain: In the proceedings to acquire Bulgarian citizenship, significant is the number of persons who apply on the grounds of Bulgarian origin (Article 15, para 1, item 1 of the Bulgarian Citizenship Act).

Section 3: Procedural aspects for the acquisition of citizenship in the Member State

Please note that, consistent with Section 2, the questions below again only refer to cases when the primary grounds of acquisition of citizenship is through naturalisation based on a minimum period of residence in the country (i.e. 'ordinary naturalisation', not the conditions and requirements in place for second- or third-generation migrants and those migrants with special (e.g. ethnical or linguistic) ties to the country).

Q21. Please briefly describe the procedure in place for third-country nationals to obtain citizenship through ordinary naturalisation.

Please describe: Bulgarian citizenship is acquired as per naturalisation upon an application from the interested person, submitted in person to the Ministry of Justice or the diplomatic or consular representations of the Republic of Bulgaria. Upon submission of an application for acquiring of Bulgarian citizenship, an interview is held with the person, based on a questionnaire approved by the Minister of Justice. If all the documents required by the law have been provided, the case file is sent electronically to the State Agency for National Security and the Ministry of the Interior to perform the respective checks and render opinions in writing. When the previously mentioned institutions have rendered their opinions, the case file is reviewed at a session of the Citizenship Council at the Ministry of Justice, which provides an opinion on each case file. In view of the Council's opinion, the Minister of Justice makes a proposal to the Vice President of the Republic of Bulgaria to issue a decree or refuse to issue a decree for the acquisition of Bulgarian citizenship. The proceedings to acquire Bulgarian citizenship are completed upon the issuance or refusal to issue a decree of the Vice President of the Republic of Bulgaria.

Q21a. Are children automatically naturalised once their parents are granted citizenship?

No.

Q22. What public authorities/agencies are involved in procedures for third-country nationals' acquisition of the citizenship of your Member State?

Pathways to citizenship third-country nationals in the EU Member States

Please mention and describe their roles at each step of the process in order to identify the authorities by which the application is introduced and those taking the decisions.

Please explain: The application to acquire Bulgarian citizenship is submitted to the Ministry of Justice or the diplomatic or consular representation of the Republic of Bulgaria, which are at the Ministry of Foreign Affairs. In the proceedings to acquire Bulgarian citizenship, the persons need to provide the following in order to evidence certain circumstances: permission for permanent or long-term residence from the Ministry of the Interior, a certificate of Bulgarian origin from the State Agency for the Bulgarians Abroad, a certificate of status granted (refugee, asylum or humanitarian) from the State Agency for Refugees, a certificate of investments made from the Bulgarian Investment Agency or a certificate of knowledge of Bulgarian language from the Ministry of Education and Science. The State Agency for National Security and the Ministry of the Interior perform checks in the respective national and international databases for each applicant for naturalisation and render opinions in writing. There is a Citizenship Council at the Ministry of Justice which is a collective authority whose members are representatives of different institutions (Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Regional Development and Public Works, Ministry of Labour and Social Policy, Ministry of Health, State Agency for National Security, State Agency for the Bulgarian Abroad and State Agency for Refugees) of the Republic of Bulgaria. The Citizenship Council provides an opinion on each application for the acquisition of Bulgarian citizenship and, in view of it, the Minister of Justice makes a proposal to the Vice President of the Republic of Bulgaria to issue or refuse to issue a decree for the acquisition of Bulgarian citizenship. The proceedings to acquire Bulgarian citizenship are completed upon the issuance or refusal to issue a decree of the Vice President of the Republic of Bulgaria.

Q23. Are these procedures digitised? Can applications for citizenship be made online?

No

Please explain: Pursuant to Art.29 of BCA (Chapter Five: Proceedings related to the Bulgarian citizenship) for the acquisition of Bulgarian citizenship by naturalisation shall be carried out against application of the interested person, personally filled with the Ministry of Justice or with the diplomatic or consular mission of the Republic of Bulgaria. The diplomatic or consular mission shall be obliged to provide a reasoned opinion in writing regarding the application. As it comes to the applications for minors the latter shall be filled by their parents or guardians and for those underage the applications shall be signed by the parents or by the guardians. An interview shall be held with the applicant upon filing the documents. In respect of minors the interview shall be held together with their parents or trustees. The interviews with juveniles shall be held in the presence of their parents or guardians.

Q24. What documentation is required in order to submit the application (e.g. passport, birth certificate) (in addition to the evidence reported to meet the conditions set out in Section 2)?

Please explain: A request following a template, a declaration following a template, a certificate of birth, a document about name changes (if any), a copy of an identity document, a curriculum vitae, as well as any documents evidencing that the person meets the requirements in view of the grounds they refer to in order to acquire Bulgarian citizenship; for example: a certificate of Bulgarian origin, a certificate of status granted (refugee, asylum or humanitarian), a certificate of investments made, a document that one of the parents is a Bulgarian citizen.

- Q25. What is the legally prescribed maximum time period for the procedure, if applicable, and how long do procedures take in practice? If the different stages of the procedure have maximum time periods (e.g., registration, application, etc.) please differentiate. Are certain types of cases prioritised or fast-tracked, and if so, which ones?**

Please explain: In view of the provision of Article 35 of the Bulgarian Citizenship Act, the Minister of Justice makes a proposal for the issuance of a decree within: 18 months – for applications to acquire Bulgarian citizenship as per naturalisation; 12 months – for applications of persons of Bulgarian origin to acquire Bulgarian citizenship as per naturalisation; 6 months for applications to acquire Bulgarian citizenship on the grounds of investments made in the Republic of Bulgaria.

- Q26. What are the costs for the application for citizenship (in €)? Please note that this excludes costs for the translation of documents, trainings for language proficiency, etc. Please specify whether different costs apply to different grounds.**

Please explain: The fees gathered by the Ministry of Justice in the proceedings to acquire Bulgarian citizenship are set out in Tariff No. 1 to the Act on the State Fees and the Fees Gathered by the Courts, the Prosecutor's Office, the Investigation Services and the Ministry of Justice, and they are as follows: Upon submission of an application to acquire Bulgarian citizenship by a person whose parents are Bulgarian citizens or one parent is a Bulgarian citizen or is of Bulgarian ethnicity – EUR 15; for a person up to 18 years of age and for students up to 26 years of age – EUR 5; in all other cases, the person pays a fee of EUR 50.

Upon receipt of a certificate in execution of a decree to acquire Bulgarian citizenship, the fees are: a person whose parents are Bulgarian citizens or one parent is a Bulgarian citizen or is of Bulgarian ethnicity – EUR 25; for a person up to 18 years of age and for students up to 26 years of age – EUR 10; in all other cases, the person pays a fee of EUR 125.

- Q27. Are there any other evidence requirements to be fulfilled for a final decision to be taken on the citizenship application (in addition to those set out above, e.g. language certificate)?**

Please explain: In addition to the documents indicated in Sections 2 and 3, opinions from the Ministry of the Interior and the State Agency for National Security are required in the proceedings to acquire Bulgarian citizenship.

- Q28. To what extent is discretion an element of the procedure/decision-making process? Is there absolute discretion or conditional discretion?²⁹**

Please explain: Bulgarian citizenship may only be acquired by a person who meets the requirements set out in the Bulgarian Citizenship Act. In this regard, upon granting citizenship an assessment is made if the person has complied with the statutory requirements. In this sense, the Citizenship Council at the Ministry of Justice does not have an absolute discretion or right to conditional discretion.

²⁹ Absolute discretion means that the state may leave authorities absolute discretion to grant naturalisation to applicants, whether or not they meet the legal requirements. Conditional discretion means authorities only have limited grounds to reject applicants who meet the legal requirements.

Q29. What challenges if any have been experienced regarding the verification of the identity of naturalisation applicants?

Please explain stating how these were addressed and any good practices In the proceedings related to Bulgarian citizenship, the person lodges an application in person and an interview is held upon submission of the documents. In this regard, in order to establish and confirm the applicant's identity, staff of the Bulgarian Citizenship Directorate require that a valid identity document be presented both when the application is submitted and before the interview. There is an analogous requirement after the completion of the proceedings to change one's citizenship when the person receives in person the certificate in execution of a decree of the Vice President of the Republic of Bulgaria after presenting an identity document.

Q30. Is there a right of appeal or basis for legal challenge if citizenship is refused? If yes, do the authorities have to provide information about the grounds for refusal?

No.

Please explain: Article 35, para 4 of the Bulgarian Citizenship Act provides for a possibility for appeal before the Administrative Court if the Minister of Justice does not render an opinion on time on applications for the change of citizenship, as well as if the proceedings for the change of citizenship before the Minister are terminated. The court only verifies the course of the proceedings and pronounces it with a definition that is final.

Q31. What are the most common grounds for a negative citizenship application decision? If possible, please list the top 5 reasons. Grounds could include insufficient language skills, insufficient period of residence, criminal record, unestablished identity.

Please explain, if possible listing the top 5 reasons:

- An opinion rendered by the State Agency for National Security or the Ministry of the Interior that the person poses a threat to the public order, public morals or national security;
- Bulgarian origin not proven as required by § 2, item 1 of the Additional Provisions of the Bulgarian Citizenship Act, of the existence of at least one ascending Bulgarian.

Q32. Does your Member State organise a citizenship ceremony? If yes, is participation in such a ceremony mandatory or voluntary?

No.

Support provided during the application process

Q33. Does your Member States provide information and/ or encourages third-country nationals to consider applying for citizenship?

Yes.

Please explain (incl. good practice example if available): The website of the Ministry of Justice gives detailed information about the procedure to acquire Bulgarian citizenship on the different grounds provided for in the Bulgarian Citizenship Act, the documents which must be presented in the proceedings as well as templates of the application to acquire Bulgarian citizenship and the declaration.

Q34. Is governmental support provided to applicants during the application process?³⁰ Have any good practices been identified in your Member State?

Yes.

Please explain (incl. good practice example if available): To assist the persons who wish to acquire Bulgarian citizenship, the website of the Ministry of Justice gives exhaustive information about the procedure and the necessary documents, an e-mail for them to send their queries to as well as a contact telephone number.

Q35. Does your Member State organise, support or finance integration measures (classes, training, etc.) to facilitate the acquisition of citizenship? If yes, please specify whether these are prescribed by law.

Yes.

No.

Please explain (incl. good practice example if available):

Section 4: Dual citizenship

Q36. Is the third-country national required to renounce his/her other citizenship in order to acquire or hold citizenship in your Member State? *This question links to Statistical Annex 1.4. If your answer is 'no' (i.e. dual citizenship is possible), kindly provide national data on dual citizenship as requested.*

Yes.

No.

Other.

³⁰ For the purpose of this study, only support under the control of the state should be included here (e.g. websites, telephone hotline), i.e. support by NGOs or private service providers is excluded unless contracted by the state.

Please explain: The persons who apply to acquire Bulgarian citizenship under Art. 12 (general naturalisation) of the BCA are required to renounce their current citizenship.

For all other persons applying for acquiring of Bulgarian citizenship, the BCA does not require that they renounce their current citizenship. There is no such requirement as regards: 1. individuals who are spouses of Bulgarian nationals; 2. nationals of a Member State of the European Union, of a state - party to the Agreement on the European Economic Area or of Swiss Confederation; 3. nationals of countries with which the Republic of Bulgaria has signed reciprocity agreements.

Q37. Is the requirement to renounce dependent on the person's other citizenship and are there exemptions from this requirement, for example for third-country nationals from third countries that do not allow a renunciation of citizenship ?

Yes

If yes, please elaborate: Article 12, para 2 of the Bulgarian Citizenship Act provides for cases when renouncing one's current citizenship is not required: 1. persons – spouses to Bulgarian citizens; 2. citizens of a European Union Member State, a Member State of the European Economic Area or the Confederation of Switzerland; 3. citizens of States with which the Republic of Bulgaria has concluded treaties to establish mutuality.

Q38. Are there any particular requirements that third-country nationals have to fulfil if they want to acquire or hold the citizenship of your Member State while keeping their other one(s)? If so, which requirements?

Yes.

No.

Please explain:

Q39. Are there any particular restrictions placed on third-country nationals who hold dual citizenship? Does dual citizenship confer fewer rights? (e.g. access to specific types of employment)

Yes.

No.

Q40. If your Member State allows dual /multiple citizenships, have there been any particular benefits or challenges that this policy has brought?

Yes.

No.

Section 5: Citizenship and integration

Q41. How does the integration policy of your Member State address the acquisition of citizenship? Is citizenship addressed in your national integration strategy/action plan?

Yes.

No.

Please explain (e.g. is naturalisation considered the end point of an integration process or is the acquisition of citizenship intended to facilitate integration)? The Governance Agenda of the Government of the Republic of Bulgaria for 2017 – 2021 includes a measure in Goal 25, related to improving the effectiveness of the process for providing Bulgarian citizenship and ensuring selection and admission of immigrants who are able to be integrated and make a living in areas of priority for the development and wellbeing of the country, including using the demographic potential of the traditional Bulgarian communities abroad.

Q42. Is there any evidence, e.g., from research or evaluation, indicating that the acquisition of citizenship facilitates integration, in particular on the labour market?

At present there are no clear indication that the acquisition of the Bulgarian citizenship could be considered as a crucial element on the way for the successful integration. However, in some areas it is necessary to have Bulgarian citizenship in order to work at specific positions in Bulgaria. Please, note the reply provided to Q43b.

Q43. What are the main differences and new rights and duties between being a citizen of your country compared to holding a permanent or long-term residence permit? Please elaborate on the following aspects:

Q43a: Participation in regional or national elections.

Please explain: Pursuant to the Election Code of the Republic of Bulgaria, the Bulgarian citizens have the right to elect and be elected President and Vice President of the Republic, Members of Parliament, municipal councillors and mayors.

Q43b: Access to certain types of employment (jobs that are only open to citizens of your country).

Please explain: In line with the existing special laws of the Republic of Bulgaria, the right to occupy certain positions is granted only to Bulgarian citizens, for example: Pursuant to Article 7, para 1, item 1 of the Public Servants Act, a public servant may only be a person who is a Bulgarian citizen. Article 155, para 1, item 1 of the Ministry of the Interior Act provides that a public servant at the Ministry of the Interior may be a person who has only Bulgarian citizenship. Article 162 of the Judicial System Act lays down that a person who has only Bulgarian citizenship may be appointed a judge, prosecutor and investigator.

Q43c: Other differences / advantages, such as social and economic rights (social security, benefits, allowances, etc.)?

Please explain: There are no considerable differences. In general, the basic principles stipulated in the Law for Foreigners in the Republic of Bulgaria state that the foreigners in the Republic of Bulgaria shall have all rights and obligations according to the Bulgarian laws and the ratified international agreements to which the Republic of Bulgaria is a party except these for which Bulgarian citizenship is required. The foreigners staying in the Republic of Bulgaria shall be obliged to observe the laws and the established legal order, to be loyal to the Bulgarian state and not to derogate the prestige and dignity of the Bulgarian people.

Q44. What support is given once citizenship has been granted to support the new citizen in their role as a citizen (e.g. information sessions organised at a local level, other information material)? Are there good practices in place in your Member State?

Please explain: There are no specific measures directed to new citizens in their role as citizens.

Q45. With the acquisition of national citizenship there is also the acquisition of EU citizenship which confers rights such as the freedom to move or reside within the territory of the EU or the right to vote for and stand as a candidate in the European Parliament and municipal elections. What information or other support measures (if any) are given in your country to allow new citizens to enact their role as EU citizens (e.g. signposting to information material on the rights and responsibilities of EU citizens or specific, tailored information)? Is this different / additional to information provided to all citizens on their rights and responsibilities as EU citizens?

Please explain: With the acquisition of Bulgarian citizenship, third-country nationals benefit from all rights of Bulgarian national, including the freedom of movement or residence within the territory of the EU or the right to vote for and stand as a candidate in the European Parliament and municipal elections. The information they are given to perform their role as EU citizens is the same as the information provided to Bulgarian citizens.

Q46. Are there any indications (e.g. in reports, studies or statistics) that acquisition of citizenship facilitates mobility to other Member States and/or mobility or longer-term migration to non-EU countries?

Yes.

No.

Please explain: There are no specific indicators in that regard at national level. However, from the perspective of the EU policies the citizenship of a EU Member State provides for the right of free movement. The right of mobility is exercised by foreigners staying in the Republic of Bulgaria in compliance with the directives in the area of legal migration.

Section 6: Conclusions and lessons learned

Please comment on the findings of your national report by drawing conclusions, identifying any key challenges and lessons learned, as well as outlining any planned policy developments in the upcoming years:

Please explain: At present, a Bill has prepared to amend the Bulgarian Citizenship Act which has been approved by the Council of Ministers and submitted to the National Assembly for adoption. Some of the amendments concern the provisions of Article 12a and Article 14a of the Act and are related to removing the possibility to acquire Bulgarian citizenship for persons who have received permission for permanent residence in the Republic of Bulgaria on the grounds of investments made exceeding BGN 1 million through purchasing government securities, title of ownership over a certain part of the property of a Bulgarian commercial company, Bulgarian intellectual property and rights under concession agreements or have invested more than BGN 1 million in a licensed credit institution under a discretionary management agreement, respectively have increased their investment under the same terms to at least BGN 2 million.

Annex 1 National statistics

Please fill in the attached excel sheet with the respective statistics for your Member State. Due to the limitations of Eurostat data and national data, statistics provided in this annex shall include all third-country nationals.

N.B. All Eurostat data will be extracted centrally by the EMN Service Provider. National data will be provided to the extent possible by each EMN NCP. In their national reports, NCPs should briefly describe and comment on the data.

The Statistical Annex consists of the following:

Annex 1.1: Number of third-country nationals that have acquired the citizenship of your Member State in 2018, differentiated by the 10 main former citizenships of the persons concerned and by sex and age groups. N.B. Data for 2014-2017 will be extracted centrally from Eurostat (migr_acq).

Annex 1.2: Number third-country nationals that have acquired citizenship between 2014-2018, differentiated by the mode of acquiring citizenship and disaggregated by sex, if possible.

Annex 1.3: Share of third-country nationals who acquired the citizenship of your Member State among all resident non-citizens in 2018. N.B. Data for 2014-2017 will be extracted centrally from Eurostat (migr_acqs).

Annex 1.4: Number of third-country nationals that have acquired dual citizenship between 2014-2018, differentiated by the mode of acquiring citizenship and disaggregated by sex, if possible. N.B. This annex 1.4 is optional for those Member States which collect such data.



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annex_final.xlsx