UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

PROTECTION BRIEF
BULGARIA

STATELESSNESS AND THE RIGHT TO NATIONALITY

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Karen Sardaryan born in Georgia of Armenian nationality, has lived in Bulgaria since the age of three, but has been stateless all his life, which prevents him from studying, working and leading a normal life. Following UNHCR advocacy, in 2017 he became the first person in Bulgaria to receive official "stateless person" status, giving him access to basic rights and the opportunity for a better future. © Ministry of Interior of the Republic of Bulgaria

Operational Context

This brief examines the current situation related to statelessness and the right to nationality, including access to identity and travel documents in Bulgaria. Being stateless often results in limited access to fundamental rights such as the right to liberty and movement, education, family reunification, employment, healthcare and other rights, perpetuating cycles of marginalization and vulnerability. People who face administrative barriers to obtain identity documents, such as undocumented Roma in Bulgaria, are deprived of civil and social rights that come with nationality, and their children may face a risk of statelessness. Determining the true number of stateless individuals and those without identity documents in Bulgaria remains challenging, similar to the situation in many other countries in the Balkans. UNHCR estimates that 1,010 stateless people under its mandate remain in Bulgaria, while the 2021 census recorded 539 stateless people and 764 marked as "nationality not stated."

Various government agencies, including the Ministry of the Interior, the State Agency for Refugees, the Ministry of Justice, and the President's Office, collect data on statelessness. However, a lack of centralized data collection and potential overlaps in the data from different sources hinder a comprehensive assessment of statelessness in Bulgaria.

Key Figures

850

# of stateless people in Bulgaria

50,000 +

# of undocumented Roma at risk of statelessness

776

# of Stateless refugees in Bulgaria

171

# of persons granted statelessness status

1,404

# of naturalized Stateless persons

Overview

Bulgaria is a party to the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention), and its obligations under these treaties influence both its domestic legal framework and its interaction with European Union (EU) law and international jurisprudence. However, significant gaps remain in key areas such as the identification of statelessness, immigration detention, access to regularization mechanisms and the rights of stateless persons.

The Law of Foreigners in the Republic of Bulgaria regulates the statelessness determination procedure and other residence permits. The Law on Asylum and Refugees regulates the procedure for international protection, through which stateless persons seeking asylum in Bulgaria can access refugee protection. The Law on Bulgarian Nationality (LBN) and Ordinance No 1 of 19 February 1999 regulate the naturalization procedure (Article 14), the *ius soli* principle (Article 10), nationality determination of foundlings[1] (Article 11), the revocation or deprivation of nationality when it would render a person stateless (Articles 22 and 24).

Bulgaria is among the countries establishing a Statelessness Determination Procedure (SDP) in collaboration with UNHCR.[2] The procedure was introduced through amendments to the Law on Foreigners in the Republic of Bulgaria (LoF) in December 2016. These amendments provide for the recognition of statelessness status for individuals who are not considered nationals by any State under the operation of its law. UNHCR has the right to access the SDP at any stage and can be present during applicant interviews.

UNHCR, in collaboration with its partner the Foundation to Access Rights (FAR) is conducting a mapping of statelessness in Bulgaria and has submitted recommendations to Bulgarian authorities on statelessness in the context of the national implementation of the EU Pact on Migration and Asylum. These recommendations seek legislative amendments to align national law with the EU Pact and ensure that stateless persons have access to their rights in line with international law.

UNHCR also cooperates with civil society to prevent statelessness among marginalized and undocumented Roma communities. Amendments to the Law on Civil Registration have allowed municipalities to accept service addresses as permanent address, enabling the registration of undocumented Roma, granting them access identity and travel documents. UNHCR collaborates with the Trust for Social Achievement under its Equal Opportunities Initiative to support civil society and community organisations to raise awareness among municipalities and the undocumented Roma to ensure the implementation of the law. This will help prevent stateless among more than 50,000 undocumented Roma, primarily children and youth, in the next few years.

[1] Under Article 2 of the 1961 Convention, "children found abandoned in the territory of a Contracting State". See UNHCR, Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness, 2012.
[2] UNHCR guidance on the substantive and procedural aspects of SDP are provided in *Handbook on Protection of Stateless Persons*, UNHCR, 30 June 2014.

Protection Risks

Bulgaria's reservations to the 1954 Convention

When Bulgaria ratified the 1954 Convention by law promulgated in the State Gazette on 7 February 2012, it made reservations to several provisions: Article 7, para. 2 (exemption from reciprocity), Article 21 (housing), Article 23 (public relief), Article 24, para. 1 (b) (social security), Article 24, para. 2 (right to compensation for death resulting from employment injury or occupational disease), Article 24, para 3 (extension of benefits under agreements between contracting states), Article 27 (identity papers), Article 28 (travel documents); and Article 31 (protection from expulsion). With regards to its reservation to Article 27, Bulgaria has clarified that individuals granted stateless status will receive a residence permit, but that this should not be considered an identity document.

In 2020, Bulgaria withdrew its reservation to Article 31 of the 1954 Convention and pledged to review other reservations. Since then, UNHCR has focused its advocacy on lifting restrictions related to identity and travel documents without which stateless persons are often deprived of their civil and social and economic rights. one concern cited against lifting reservations with regards to issuing identity and travel documents is the potential for increased movements into the EU via Bulgaria.

The Law on Bulgarian Identity Documents (LBID) regulates the types of documents available to stateless individuals such as a travel certificates and residence permits issued under the Law on Foreigners. The law explicitly provides that "stateless people (…) can identify themselves only with a Bulgarian identity document" (LBID, Article 57). However, obtaining identity cards and passports in Bulgaria is further hindered by address registration requirements under the Civil Registration Law, which requires proof of ownership or use of property. This poses a significant barrier for forcibly displaced and stateless persons as well as undocumented Roma communities, who often reside in unregulated housing, making address registration impossible. Without a registered address, obtaining an identity card is impossible, which in turn blocks access to other essential services and rights. For stateless children over 14 years old, obtaining an ID card is legally required, yet often unfeasible. They must first be granted stateless status and fulfil the criteria for long-term or permanent residence before obtaining a travel document for stateless persons, serving also as an ID under the national law. This legal and administrative gap leaves many stateless individuals, including children, in a precarious situation without documentation or access to fundamental rights.

Statelessness Status Determination Procedures

Bulgaria established a Statelessness Determination Procedure (SDP) in December 2016 through amendments to the Law on Foreigners in the Republic of Bulgaria (LoF). The Directorate for Migration, under the Ministry of Interior, was designated as the competent governmental authority to conduct statelessness determination. The LoF contains a definition of a stateless person which is in line with the 1954 Convention. The Law on Foreigners and its implementing regulation provide key procedural guarantees, including the right to information, a personal interview, a six-month deadline for issuing a written decision (can be extended by 2 months), suspension of the SDP if a procedure for international protection is ongoing, and free legal assistance on appeal.

UNHCR has the right to information and access to the SDP at any stage and may be present during applicant interviews. Nevertheless, several gaps remain: there are no clear provisions on the legal status, documentation or entitlements of applicants during the period until their application is assessed; interpretation and legal assistance during the administrative phase are not mandatory (except when supported by UNHCR); the risk of detention upon identification and application discourages individuals from accessing the procedure.

Bulgarian law also contains restrictive exclusion clauses that contradict the 1954 Convention, such as possessing an expired identity document or having a removal order, which significantly narrows access to the SDP. Furthermore, the Law on Foreigners includes *de facto* exclusion clauses, that go beyond the 1954 Convention provisions:

i. Applications against which a return or expulsion order was issued before submission of the application;

ii. Applicants who possess, or previously possessed and failed to renew, a valid identity document ; and

iii. Applicants who meet the grounds for visa refusal (e.g. those with criminal, labour or tax law violations)

In Bulgaria's statelessness determination procedure, the primary burden of proof is in practice placed on the applicant, requiring them to assist the authorities and submit all available evidence. The standard of proof is higher than in other legal procedures, requiring applicants to make genuine efforts to acquire nationality, and provide documents that are difficult or impossible for stateless individuals to obtain. While court practice dictates the administrative authority must verify an applicant's nationality if doubts exist, the Migration Directorate's discretionary power and the difficulty of obtaining proof can lead to discontinuation of the procedure.

Recognized stateless persons do not receive autonomous residence permits. Instead, they may apply for a continuous residence permit, valid for one year. However, this permit provides only very limited access to rights – lawful residence and access to education for children but no right to access social assistance, including accommodation, child or disability benefits, or access to employment or to national health insurance.

The LBN offers a reduced residency requirement for stateless persons applying for citizenship, allowing them to apply after three years instead of the usual five years if they hold a permanent or long-term residence permit. General naturalization requirements include a fee (reduced for children and students), income and language proficiency standards, proof of "good character", and a birth certificate – criteria that can be challenging for stateless individuals to meet. Stateless children born in Bulgaria are eligible for citizenship by birth if they do not acquire another nationality. However, but this is not granted automatically and requires an administrative procedure with the local municipality and the Ministry of Justice. While no language, residency, or income requirements apply, parents must prove the child's statelessness with written evidence, which can be a significant obstacle for those without proper documentation.

Undocumented Roma

UNHCR Executive Committee notes in its 2013 Conclusions that persons who are unable to access civil registration and related documentation, and their children, are vulnerable to statelessness and associated protection risk. UNHCR considers a person to be at risk of statelessness if preventative actions aren't taken, such as providing identity documentation in line with the national law. People who face legal or administrative barriers to obtaining documents proving they meet the requirements for the enjoyment of nationality may be at risk of statelessness, which particularly affects marginalized minority groups, such as the Roma.

Deprivation of rights associated with nationality and the risk of statelessness for some undocumented Roma individuals in Bulgaria stems from a complex web of factors, primarily related to barriers to access identity documentation. This issue is often rooted in the Roma communities' inability to provide proof of a permanent address, which is a prerequisite for obtaining identity documents. In turn, the absence of identity documents prevents Roma parents from registering the births of their children, perpetuating exclusion and risk of statelessness. The deprivation of identity documents leads to endemic exclusion from socio-economic rights such as education, employment, social security, housing and healthcare. Additionally, the inability to obtain identity documentation restricts Roma individuals from exercising property rights, accessing rental or employment contracts, and accessing financial services such as opening a bank account.[3]

Amendments to the Law on Civil Registration in May 2011 introduced a requirement for individuals to provide a certificate of permanent address registration when issuing or renewing an identity card. However, for many Roma who reside in informal urban and suburban settlements and lack property ownership documents, meeting this requirement is impossible. More than 50,000 Roma are affected by these restrictive requirements for address registration, which mandate proof of property ownership, being relatives or spouse of a property owner or having rental contract and the owners' agreement to register at the place of residence.

UNHCR welcomes the October 2024 amendments to the LoCR which facilitate access to identity and travel documents. These amendments are in line with proposals made by UNHCR and its partners in 2022 to resolve the issue of address registration, including for refugees. According to the amended law, persons who do not have valid identity document due to lack of permanent address can apply for permanent address using birth registration or expired ID document as means of identification. Provisions are also made for those whose permanent address registration was erased or whose permanent address has been removed from the National Classifier of Current and Permanent Addresses by their respective municipalities to be registered at a service address.

Consistent and effective implementation of these provisions will also enable socioeconomic integration of the undocumented Roma people in line with Bulgaria's National Strategy for Roma Equality, Inclusion and Participation (2021–2030). The strategy aims at achieving effective equality, inclusion, and participation of vulnerable Roma communities in all areas of public life, contributing to Bulgaria's sustainable social and economic development by 2030 by creating conditions ensuring Roma access to rights, services, and opportunities, guided by the principles of rule of law, non-discrimination, and social justice.

[3] Foundation to Access Rights (FAR) and European Network on Statelessness, The risk of statelessness among the Roma population in Bulgaria, 2020 (in Bulgarian).

CALLS TO ACTION

UNHCR recommends the Government of Bulgaria to:

- **Amend legislation to ensure effective access to rights** for individuals in the SDP and those granted stateless status, particularly by removing legal barriers that restrict access to the procedure.
- **Review and consider lifting remaining reservations to the 1954 Convention**, especially those related to identity and travel documents in line with Bulgaria's pledges made during the 2023 Global Refugee Forum.
- **Provide free legal assistance to stateless people and people at risk of statelessness**, supporting their access to nationality, civil status registration, and identity procedures and documents, and empowering them to claim their rights. This includes ensuring that free legal assistance is also available at the administrative stage of the SDP.
- **Amend primary and secondary legislation to ensure effective access to rights** for applicants for statelessness status and those granted statelessness status, such as access to national health insurance, employment and social assistance programs.
- **Ensure the collection and recording of data on statelessness throughout the migration management and asylum process** to protect people against arbitrary detention, and ensure they are provided with appropriate assistance. The collection and recording of statelessness data will also assist Bulgaria with their reporting obligations under the EU Pact on Migration and Asylum. Consider conducting a comprehensive mapping survey to improve the quantitative data and qualitative analysis of the situation of stateless population residing in Bulgaria and engage with the ongoing UNHCR exercise on mapping statelessness in Bulgaria.
- **Join the Global Alliance to End Statelessness**, a collaborative multistakeholder platform, which brings together Governments, regional intergovernmental organizations, stateless-led and civil society organizations and other stakeholders to increase collective advocacy efforts, catalyse political commitments and accelerate action to secure permanent solutions to statelessness.

With respect to undocumented Roma communities:

- Provide resources and clear guidance to municipalities and cooperate with civil society to implement the recently adopted amendments to the Civil Registration Law enabling address registration at a service address, thereby facilitating access to identity documents.
- Engage Bulgarian civil society, including the Roma organisations and experts, to ensure that the amendments to Civil Registration Law are effectively utilised to end the risk of statelessness among undocumented Roma, and that they have full access to their rights, including education, healthcare and employment.

END.