

REVIEW

By Hristo Yordanov Paunov, PhD -
Professor at the Faculty of Law
at Plovdiv University 'Paisii Hilendarski'

of a dissertation for the award of the educational and scientific degree of Doctor

in the field of higher education: 3. Social, economic and legal sciences,
professional field 3.6. Law,
doctoral programme in Constitutional Law.

Author: Todor Ivanov Rogoshev

Title: Acquisition of Citizenship in the Republic of Bulgaria: Constitutional and International Law Aspects

Scientific supervisor: Prof. Veselin Hr. Tsankov

1. General presentation of the procedure

By Order No. RD-22-1523 dated 27.07.2026 of the Rector of Plovdiv University "Paisii Hilendarski" (PU) I was appointed as a member of the scientific jury to ensure the procedure for the defense of the dissertation entitled "*Acquisition of Citizenship in the Republic of Bulgaria: Constitutional and International Law Aspects*" for the award of the educational and scientific degree of Doctor in the field of higher education 3. Social, economic and legal sciences, professional field 3.6. Law, doctoral programme in Constitutional Law. At the first meeting of the scientific jury I was designated to prepare the review.

The author of the dissertation is Todor Ivanov Rogoshev - a doctoral candidate enrolled as a full-time doctoral candidate at the Department of „Public Law“, with scientific supervisor Prof. Veselin Tsankov at Plovdiv University 'Paisii Hilendarski'.

The set of materials submitted by Todor Ivanov Rogoshev in hard copy is in accordance with Art. 36. (1) of the Regulations for the Development of the Academic Staff of PU, and includes the following documents:

- an application to the Rector of PU for the initiation of a procedure for the defense of a dissertation;
- a curriculum vitae in European format;

- minutes of the department council concerning the scientific supervisor's report on readiness to open the procedure and the preliminary discussion of the dissertation;
- the dissertation;
- author's abstract;
- a list of the scientific publications on the subject of the dissertation;
- copies of the scientific publications;
- a declaration of originality and authenticity of the attached documents;

2. Brief biographical data of the doctoral candidate

Todor Ivanov Rogoshev was born on 31 August 1996. He obtained a master's degree in the Law degree programme at the Faculty of Law of Plovdiv University 'Paisii Hilendarski' (2015–2021). Subsequently, he broadened his expertise at the international level by completing a Master's degree (LL.M.) in Public International Law at the prestigious Leiden University (Universiteit Leiden) in the Netherlands (2021–2022). His primary professional and scholarly interests are concentrated in the field of constitutional and public international law.

Since 2023, Todor Rogoshev has been an assistant in Constitutional Law at Plovdiv University 'Paisii Hilendarski', where he is actively engaged in teaching and research. Prior to that (2022–2023) he worked in the Legal Department of the Organisation for the Prohibition of Chemical Weapons (OPCW) as an intern, where he participated in the preparation of written defences and opinions. In 2021 he worked as a junior researcher at the Institute of Balkan Studies with the Centre of Thracology at the Bulgarian Academy of Sciences (BAS).

Aside from his academic career, Todor Rogoshev is a registered mediator in the Unified Register of Mediators in Bulgaria. He has participated in, and received distinctions as a speaker at, a number of prestigious international moot court competitions.

He has an excellent command of English and French and is the author of numerous scholarly publications in the fields of international law, constitutional law, human rights and security.

3. Relevance of the topic and appropriateness of the stated aims and objectives

The relevance of the submitted doctoral thesis entitled "Acquisition of Citizenship in the Republic of Bulgaria: Constitutional and International Law Aspects" is indisputable. In contemporary legal reality, citizenship occupies a central place in the system of public law, reflecting the foundations of statehood and determining the legal status of the individual. The topic acquires particular significance in a globalized world characterized by increased mobility of persons and the growing role of supranational legal systems such as the law of the European Union.

The objectives and tasks set out in the dissertation are entirely appropriate. The principal aim is to conduct a comprehensive and critical analysis of the substantive and procedural aspects of acquiring Bulgarian citizenship in the light of constitutional law, international law and European Union law. The tasks related to clarifying the legal nature of citizenship, differentiating it from nationality, analysing the modes of acquisition and critically assessing the compliance of the Bulgarian regulatory framework with international legal standards are formulated sequentially and logically.

4. Knowledge of the problem

The doctoral candidate demonstrates an in-depth knowledge of the state of the problem and a creative approach to the bibliographic material. The dissertation contains an extensive literature review encompassing classical works by Bulgarian authors (Prof. V. Valkanov, Prof. V. Tsankov, Prof. G. Bliznashki, Prof. E. Drumeva) and foreign researchers (P. Weis, A. Edwards, M. Shaw, J. Crawford). The author critically evaluates the literature used, taking into account the historical context and the development of the legal regulation.

5. Research methodology

The chosen research methodology is comprehensive and enables the attainment of the stated objective and the obtaining of an adequate response to the tasks. Legal-dogmatic, doctrinal, comparative-legal and sociological-axiological methods have been employed.

Particularly valuable is the application of an empirical approach through field research at the Directorate "Bulgarian Citizenship" at the Ministry of Justice and at the Commission on Citizenship under the President of the Republic. This enriches the normative analysis with direct observations on the practical functioning of the procedures.

6. Characterization and evaluation of the dissertation

The dissertation submitted for review is devoted to one of the fundamental institutes of public law - citizenship - examined through the prism of constitutional, international and European law. The topic is of high scientific and practical significance, since the acquisition of citizenship is directly connected both to the constitutional status of the individual and to the exercise of a wide range of political, civil and social rights. The research is directed at a comprehensive analysis of the legal regulation of the acquisition of Bulgarian citizenship, while concurrently examining the interaction between domestic law, international legal standards and the law of the European Union.

From the outset the author explicitly stresses that citizenship should be regarded not merely as a formal legal status but as a durable legal bond between the natural person and the state, as a legal relationship and as a prerequisite for participation in the constitutional, international and European legal orders. Such an approach merits a positive assessment, as it transcends the traditional normative description of the institute and emphasizes its place in the modern constitutional state. The consideration of the issue in the context of intensive migration processes, increased mobility of citizens, the development of European integration and the continuously growing importance of international legal standards concerning citizenship, the protection of human rights and the prevention of statelessness is of particular significance. All these processes pose new challenges to national legislatures, the study of which is both scientifically necessary and practically useful.

The topic is also important because of the dynamics in the development of Bulgarian legislation on citizenship over the past decades. Practice shows that a number of issues related to naturalisation, the restoration of citizenship, acquisition by descent and acquisition by descent from Bulgarian citizens residing abroad continue to give rise to both practical difficulties and serious scholarly debate. For this reason, the choice of this particular topic may be regarded as fully justified.

The dissertation is structured into an introduction, five chapters, a conclusion and a bibliography.

The first chapter serves as the conceptual foundation of the entire work and is one of its strongest parts in theoretical terms. The exposition begins with the historical development of the institution, the author successively tracing the transition from the ancient understanding of the citizen as a participant in governance - with reference to Aristotle's definition of participation in the council and in the courts - through the Roman construction of *civitas* and *civitas sine suffragio* and the widening of the circle of citizens with the Edict of Caracalla (*Lex Antoniniana*) of 212, through feudal subjecthood to the modern concept of citizenship imposed by the French Revolution and the Declaration of the Rights of Man and of the Citizen of 1789. The historical overview is not an end in itself - it serves the main thesis that citizenship is a historically changeable category whose content is determined by the corresponding type of political organization.

The core of the chapter is the doctoral candidate's proposed construction of the triune nature of citizenship - as a legal status, as a legal relationship and as a human right. Each of these three aspects is developed separately. In elucidating citizenship as a status, the author makes a precise and scientifically significant terminological distinction between "status" (status - condition,

aggregate of subjective rights) and “statute” (statutum - statute, objective law); this distinction has not only linguistic but also methodological importance, insofar as it prevents the study from conflating the subjective-law and objective-law perspectives. In considering citizenship as a legal relationship the doctoral candidate draws on Wesley Hohfeld's theory of the correlativity of rights and duties and its four pairs of juridical positions, which allows citizenship to be described as a complex legal relationship with reciprocal rights and duties of the individual and the state, extending beyond state borders.

The most debatable, but also the most original, aspect is the third - the justification of citizenship as a human right. Here the author relies on the individual dimension of the right to self-determination, on the practice of the European Court of Human Rights under Article 8 of the ECHR (*Gladysheva v. Russia*, *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland*), on the opinions of the Arbitration Commission of the Conference on Yugoslavia concerning the right of the Serbian population in Bosnia and Herzegovina to choose citizenship, as well as on Articles 10 and 50 of the Treaty on European Union (TEU), in order to defend the thesis that Article 25 of the Constitution secures not only a competence of the state but also a subjective right.

Particularly valuable from a scholarly standpoint is the second half of the chapter, devoted to distinctions between citizenship and adjacent concepts. The concluding systematization, whereby the concepts are allocated into communal (ethnos, people, nation) and individual (ethnic affiliation, ethnic identity, citizenship, nationality) categories, constitutes an independent contributory result with undoubted practical utility.

The second chapter addresses the sources of the legal regulation of citizenship and the principles arising therefrom, and is constructed in three relatively autonomous parts - international law sources, domestic law sources and principles.

The survey of international law sources is comprehensive and arranged chronologically, which permits tracing the gradual narrowing of exclusive state competence in the matter. The section on Bulgaria's bilateral treaties in the field has independent scholarly value. Here the doctoral candidate examines a genuinely unresolved practical problem - the divergence between the positions of the Ministry of Justice and the Ministry of Foreign Affairs regarding the effect of the convention with the USSR of 1966 - and substantiates his conclusions with a specific act under Art. 123 of the Administrative Procedure Code (APC) from the beginning of 2025. Treaties to which Bulgaria is not a party are also considered, such as the European Convention on the Reduction of Cases of Multiple Nationality of 1963, whose practical significance is illustrated by the current case concerning the mobilization in Ukraine of a Bulgarian citizen with dual citizenship. This

approach - combining a normative survey with concrete, contemporary and verifiable examples - merits approval.

The historical review of the domestic legal framework is sound and informative. The Tarnovo Constitution (arts. 54–56 and the concept of “subjecthood”), the laws of 1880, 1883, 1903 and 1940, the constitutions of 1947 and 1971, the laws of 1948, 1968 and 1986 and the applicable framework after 1991 are traced. Particularly significant is the analysis of provisions from the socialist period — art. 6, para. 2 of the Law on Bulgarian Citizenship of 1948 and art. 16, para. 2 of the law of 1968, providing for the automatic loss of citizenship upon the emigration of persons of non-Bulgarian ethnic origin. The author also establishes the exact chronology of the effect of art. 6, para. 2 - its removal on 02.08.1948 and its restoration on 20.05.1950 — and subsequently convincingly demonstrates in the dissertation how this short window has been the subject of systematic documentary falsifications in contemporary administrative practice. This is an example of a result that simultaneously possesses historical, dogmatic and law-enforcement significance.

The third part of the chapter is devoted to the principles. After a general theoretical introduction, the author distinguishes general principles from special principles of the institute. Among the latter are identified the priority of *jus sanguinis*, the principle of the personal basis, the inadmissibility of statelessness, the primacy of citizenship by birth, and the unity of the family. The systematization is logical, and the critical attitude toward doctrinal positions is evidence of independent thinking.

The third chapter is the most voluminous and the broadest in scope of the work. It examines the significance of citizenship on four successive levels - for the existence of the state, within the constitutional system, as a prerequisite for the exercise of rights and obligations, and in international legal relations.

The first level places citizenship in the context of the doctrine of the state. The author juxtaposes the three-tier construction of state-forming elements in constitutional doctrine with the four-tier structure of Art. 1 of the Montevideo Convention, the customary-law character of which is substantiated by the practice of the International Criminal Court concerning the situation in Palestine and by the arbitral award *Deutsche Continental Gas-Gesellschaft v. Polish State*, which confirms the rule’s validity in a European context.

The second level - the significance of citizenship in the Constitution — is among the most useful parts of the work for constitutional doctrine. The doctoral candidate systematizes the rich terminology of the Basic Law ("people", "person", "all persons", "all citizens", "Bulgarian citizen",

"citizen of the Republic of Bulgaria", "everyone") and demonstrates that the different categories presuppose different scopes of rights and obligations.

The third level considers citizenship as a prerequisite for the exercise of rights and obligations. The review of sectoral legislation - the Health Act, the Health Insurance Act, the Social Assistance Act, the State Servant Act, the Law on the Ministry of the Interior, the Pre-school and School Education Act and the Higher Education Act - is representative.

The author's decision to justify a restrictive interpretation of the term "citizens" in Art. 24 APC is sound, since the contrary would deprive foreigners and stateless persons of access to administrative proceedings.

The fourth level - the international-legal significance - is developed at a level that exceeds what is customary for a dissertation in constitutional law. It is also appropriate to single out Art. 34 ECHR as an exception under which access to a court is not conditioned by citizenship. The section on European Union citizenship traces the intellectual path from the Tindemans Report and the Spanish proposal "The Road to European Citizenship" of 1990 to Articles 20-24 TFEU, and the normative analysis is complemented by a decision in which the Court of Justice of the European Union accepts that the reserved competence of the Member States is exercised in compliance with Union law and the principle of proportionality, and by Decision No. 3 of 2004 of the Bulgarian Constitutional Court concerning the supplementary character of Union citizenship.

The section on the nationality of legal persons and of special objects is autonomous in value. Here the author rightly insists that with respect to these subjects and objects one should speak of nationality, not of citizenship.

The final section of the chapter examines deviations from the general regime. Multiple citizenship is analyzed through the abandoned principle of the inadmissibility of dual citizenship from the period before 1991 and through the current regulation in Art. 3 ZBG, Art. 17(3) of the Law on Foreigners in the Republic of Bulgaria, Art. 12 of the Law on Bulgarian Personal Documents and Art. 93 of the Law on Civil Registration. The section closes with the position of foreigners, refugees, persons under special protection and children, where the priority of the best interests principle and Art. 7 of the Convention on the Rights of the Child prepare the critical analysis in Chapter Five.

The fourth chapter is the principal positive-law part of the study and is developed with a high degree of detail. It is divided into five parts - acquisition at birth, acquisition by naturalization, determination of citizenship, loss and restoration - and the methodologically sound preliminary

distinction between modes operating *ex lege* and those requiring the conduct of a special administrative procedure is maintained.

Extremely valuable, including for practice, is the section on the competent state authorities. The institutional architecture is presented in full: the President's power under Art. 98, item 9 of the Constitution and the constitutive character of the decree; the role of the Minister of Justice under Art. 29, Art. 34 and Art. 35 of the ZBG; the composition, quorum, majority and working regime of the Council on Citizenship under Art. 33 of the ZBG and the Rules of Procedure for its activity, including the possibility of remote sessions introduced after the COVID-19 pandemic; the functions of the Directorate 'Bulgarian Citizenship' and of its departments 'Assessment and Analysis of Documentation' and 'Administrative Services'; the coordinating opinions of the Ministry of the Interior (MVR) and the State Agency for National Security (DANS) under Art. 35, para. 3 of the ZBG and the permissible exception to the requirement to give reasons where data concern national security; the role of the Ministry of Foreign Affairs (MFA) and of diplomatic and consular representations, of the civil registration authorities, courts, the prosecution and the Central Criminal Records Bureau, of the Bulgarian Orthodox Church in certifying origin and of the Minister of Education and Science in determining the procedure for establishing proficiency in the Bulgarian language.

The fifth chapter is the analytical core and the substantive scholarly contribution of the dissertation. It is built on a preliminary and well-founded methodological argument: the circumstance that the matter of citizenship is regulated at the constitutional level does not exclude the international legal responsibility of the State, insofar as the Constitution is not a source of international law, and the practice of the Permanent Court of International Justice and of the International Court of Justice, as well as the Vienna Convention on the Law of Treaties, preclude reliance on domestic law as a ground for non-performance. On this basis the author systematises the inconsistencies into four groups.

The conclusions of the chapter - concerning a deficit of international legal culture in the legislative process and in law-enforcement and the need for anticipatory action instead of reacting after condemnatory decisions - are supported by comparative data on Bulgaria's position with respect to condemnatory judgments of the European Court of Human Rights (ECHR) and on unimplemented systemic measures, and logically prepare the *de lege ferenda* proposals in the conclusion.

In summary, the dissertation is analytical rather than descriptive. The material is reliable and well argued, relying on extensive case law of national and international jurisdictions.

7. Contributions and significance of the study for scholarship and practice

The dissertation contains scientific and applied contributions:

1. A comprehensive and systematic analysis of the acquisition of Bulgarian citizenship has been carried out, combining the constitutional law, international law and European law perspectives.
2. The distinction between citizenship and nationality has been developed and the necessity of aligning the domestic legal framework with the requirement for the existence of a genuine link has been substantiated.
3. For the first time in Bulgarian legal doctrine an interdisciplinary analysis of citizenship proceedings has been conducted, revealing the absence of effective administrative and judicial control.
4. The thesis of inconsistencies between the current Bulgarian regulatory framework and international legal standards has been substantiated, including the inadmissibility of the reservations to the European Convention on Nationality.
5. A critical analysis of privileged naturalization and of the use of the notion of “origin” has been made.
6. Concrete *de lege ferenda* proposals have been formulated to overcome the identified problems, including the withdrawal of reservations, the introduction of judicial review and the refinement of terminology.

These contributions have significant theoretical value and practical applicability for the improvement of legislation and administrative practice.

8. Assessment of the publications related to the dissertation

The publications submitted by the doctoral candidate are 3 (three) in number, namely:

- Rogoshev, T. Constitutionality of naturalization by the facilitated procedure for persons of Bulgarian origin - in press, *Pravna misal*, no. 4, 2025.
- Rogoshev, T. The role of citizenship in the realization of fundamental rights of natural persons. - In: Proceedings of the scientific conference 'Knowledge, Science, Innovations, Technologies', 2025, no. 1, pp. 529-540.
- Rogoshev, T. Citizenship as a human right. - In: Proceedings of the scientific conference 'Knowledge, Science, Innovations, Technologies', 2025, no. 1, pp. 517-528.

They are related to the topic of the dissertation and have been published in a legal journal and in collections of papers from academic conferences. An essential characteristic of the scholarly

output of the doctoral candidate Todor Rogoshev is the consistent application of comparative-legal, comparative-historical and socio-legal methods and approaches.

9. Personal involvement of the doctoral candidate

The contributions formulated and the results obtained are attributable to the doctoral candidate. The work reflects independently conducted research, supported by field studies and a critical analysis of an extensive body of literature and case law. The requirements for proper citation and the originality of the author's text have been observed.

10. Author's abstract

The author's abstract objectively and accurately reflects the main results achieved in the dissertation. It is structured in accordance with the requirements and clearly presents the objectives, tasks, methodology, chapter contents and the principal conclusions and contributions of the research.

It sets out the main content, principal ideas and conclusions of the dissertation. The author's contributory elements in conducting the research, the degree of novelty and the practical significance of the dissertation are outlined.

11. Critical remarks and recommendations

Although the dissertation is of a good academic standard, the following recommendations can be made:

- It would be useful to deepen the study of the specific procedural form for appealing acts related to citizenship in future publications.

- With regard to the *de lege ferenda* proposals, it may be noted that some of them are well-argued, but others could benefit from additional legal argumentation.

- And one more technical note - some of the citations are not formatted in accordance with bibliographic citation standards.

- I would recommend a stronger authorial presence in the conclusion of the work.

- I recommend that the doctoral candidate continue his research in the field of citizenship, paying particular attention to the status of stateless persons and refugees, and publish the main results of the dissertation in the form of a monograph so that they become accessible to a wider circle of lawyers and law-enforcement authorities.

- I recommend that the doctoral candidate, in his future professional activities, publish in specialized legal periodicals.

The aforementioned critical remarks and recommendations cannot change the conclusion that the presented research has indisputable scientific merits and possesses the qualities of a dissertation within the meaning of the Law on the Development of the Academic Staff in the Republic of Bulgaria and the Regulations for its Implementation for the award of the educational and scientific degree "Doctor".

12. Conclusion

The dissertation contains scientific, scientific-applied and applied results that constitute a contribution to science and comply with all the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, the Regulations for its Implementation and of the relevant Regulations of Plovdiv University "Paisii Hilendarski".

The dissertation demonstrates that the doctoral candidate Todor Ivanov Rogoshev possesses theoretical knowledge and professional skills, demonstrating the qualities and abilities to conduct independent scientific research.

In view of the foregoing, I hereby give my positive assessment of the research presented in the dissertation reviewed above, the author's abstract, the results achieved and the contributions, and I propose to the esteemed Scientific Jury that the educational and scientific degree of Doctor be awarded on Todor Ivanov Rogoshev in the field of higher education: 3. Social, economic and legal sciences, professional field 3.6. Law, doctoral programme in Constitutional Law.

Reviewer:

Prof. Hristo Paunov, PhD

01.09.2026

Plovdiv