

OPINION

by Assoc. Prof. Dr. Konstantin Vasilev Pehlivanov, Associate Professor in Field of Higher Education 3. Social, Economic, and Legal Sciences, Professional Area 3.6 Law (Administrative Law and Administrative Procedure) at the Faculty of Law of Plovdiv University "Paisii Hilendarski," Department of Public Law

Under the procedure for awarding the educational and scientific degree of "Doctor" in Field of Higher Education 3. Social, Economic, and Legal Sciences, Professional Field 3.6 Law, Doctoral Program "Constitutional Law"

Host Unit: Faculty of Law, Plovdiv University "Paisii Hilendarski," Primary Unit: Department of Public Law

Candidate: Todor Ivanov Rogoshev

Advisor: Prof. Veselin Hristov Tsankov, DSc

This opinion is presented by a member of the academic jury appointed by Order No. RD22/1523 dated July 27, 2026, of the Rector of Plovdiv University "Paisii Hilendarski"

Dear members of the academic jury,

I hereby submit this opinion, as I was tasked with preparing it by a decision of the academic jury at its first meeting, as recorded in Minutes No. 1/July 23, 2026.

Since the candidate's eligibility from a scientometric perspective, in accordance with the minimum national requirements, has already been assessed by a decision of the academic jury as recorded in the aforementioned minutes, I hereby present my conclusions regarding the substance of the procedure.

Todor Rogoshev's dissertation, titled "Acquisition of Citizenship in the Republic of Bulgaria: Constitutional and International Law Aspects," has both scientific and practical value; the field of scientific research is interdisciplinary and encompasses not only constitutional and international law but also administrative law and administrative procedure. The institution of citizenship occupies a fundamental place in public law, serving as a marker of the legal and political relationship between the individual and the state. In the context of contemporary globalization, increased migration, and evolving supranational integration within the European Union, the traditional view of citizenship as solely a matter falling within the exclusive sovereign competence of the state is undergoing a profound evolution. The complex dimension of citizenship is clearly articulated—not merely as a formal administrative status (which is also important in daily life and practical affairs), but as a triad: legal status, public legal relationship, and a fundamental human right. The doctoral candidate correctly emphasizes the increasing internationalization of the legal framework and the need for the national regime for acquiring Bulgarian citizenship to be aligned with the constitutional principles of the rule of law, the standards of the Council of Europe, and the case law of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR).

The objectives and tasks of the dissertation research are precisely defined, resulting in a clear and systematic structure of the dissertation.

Chapter One, "General Remarks on Citizenship," serves as an introduction; it explores the basic theory, defines the legal institution under study, and examines its legal nature. A

distinction is made between similar concepts (nationality, ethnicity, and national identity). An in-depth theoretical study is conducted on the difference between “citizenship” in the context of domestic law and “nationality” in the context of international law.

Chapter Two, “Sources of Law Governing Citizenship Issues,” examines the relevant sources—international treaties, EU acts, and domestic legislation—as well as the fundamental principles underlying them. The international standards have also been systematized and compared with the legal principles of the Constitution of the Republic of Bulgaria. The amendments to the founding treaties of the European Community and the European Union have been carefully traced.

Chapter Three, “Significance and Practical Application of the Institution of Citizenship,” thoroughly examines its significance under national law and EU law. The analyses of special cases (dual and multiple citizenship, stateless persons) and specific subjects are useful and contribute significantly to the field. The specific features of EU citizenship and the concept of a “genuine link” are analysed.

Chapter Four, “Methods of Acquiring Citizenship and Other Related Proceedings,” described in the abstract as central to the work, offers a detailed overview of the proceedings and a critical examination of operational autonomy and the lack of judicial review in cases of denial of naturalization.

Chapter Five, “International Legal Standards and Their Application in the Republic of Bulgaria’s Legal Framework Governing the Acquisition of Bulgarian Citizenship,” offers an analysis of the inconsistencies in the national legal framework and an analysis of the “Baby Sara” case. A particularly valuable contribution to the protection of children against the risk of statelessness and a critical review of Bulgaria’s reservations.

The methodological framework of the dissertation is multifaceted and well-balanced. In addition to the classical legal-dogmatic approach, the author employs the doctrinal, comparative law, and sociological-axiological methods. A particularly noteworthy positive aspect of the work, which deserves special emphasis, is the field-based empirical study conducted by the doctoral candidate at the Bulgarian Citizenship Directorate of the Ministry of Justice and at the Citizenship Commission under the Presidency of the Republic of Bulgaria. This empirical approach allows the author to compare theoretical constructs with actual administrative practice and to identify existing procedural flaws.

Todor Rogoshev’s dissertation contains significant scientific and practical contributions, which can be systematized into the following main areas:

- Theoretical systematization of the institution: A comprehensive distinction is made between the conceptual categories of “citizenship,” “nationality,” “ethnic affiliation,” and “ethnic group,” which is crucial for avoiding terminological confusion and errors in law enforcement.
- Critical analysis of operational autonomy: The doctoral candidate justifiably criticizes the complete exclusivity and the lack of direct judicial review of decisions denying naturalization, analysing the compatibility of the Bulgarian Law on Bulgarian Citizenship (LBC) with Articles 8 and 13 of the ECHR and with the principles of the rule of law (Article 4 of the Constitution).
- Protection Against Statelessness for Children: The case law of the European Court of Justice (ECJ) in cases such as *Rottmann*, *Zambrano*, and in particular the “Baby Sara” case

(C-490/20), identifying specific obligations for the state to prevent statelessness among children born to same-sex couples or to parents of different nationalities.

- Review of Reservations under the European Convention on Nationality: The critical review of the reservations made by the Republic of Bulgaria under the ECN demonstrates

a thorough understanding of international treaty law and the Vienna Convention on the Law of Treaties.

- Proposals for Improving Legislation: Specific recommendations are formulated to clarify the legal definition of the term “Bulgarian origin,” to introduce procedural safeguards, and to require justification for administrative acts in citizenship proceedings.

The dissertation makes a significant contribution and deserves to be published. It is executed at a high technical level. I find it appropriate to conduct further research in two areas:

1. Expanding the analysis of judicial review: Although the doctoral candidate correctly identifies the problem of the lack of appealability regarding refusals of naturalization, it would be useful in future research for him to further explore the extent to which the distinction between the right to appeal in cases of establishing origin and the lack of such a right in naturalization cases passes the proportionality test according to the case law of the Constitutional Court and the European Court of Human Rights.
2. It is worth examining the impact of EU law on sovereignty with regard to the ECJ’s case law on “investment citizenship” (so-called “golden passports”) and the limits of state sovereignty in determining naturalization criteria where there is a Community interest.

The abstract presented here faithfully and accurately reflects the main arguments, content, and conclusions of the dissertation. The doctoral candidate’s publications are on the topic of the research and meet the minimum national requirements. A solid doctrinal foundation has been employed, and a large number of international legal instruments and decisions of national and international courts have been examined.

In light of the foregoing, I find that, given the quality of the dissertation titled “Acquisition of Citizenship in the Republic of Bulgaria: Constitutional and International Law Aspects,” Todor Ivanov Rogoshev deserves to be awarded the academic and scientific degree of “Doctor” in Field of Higher Education 3. Social, Economic, and Legal Sciences, professional field 3.6 Law, doctoral program “Constitutional Law.”

Sincerely

(Assoc. Prof. Dr. Konstantin Pehlivanov)

September 3, 2026

Plovdiv