

Migration and legal family formats in Bulgaria

by Adela Katchaounova¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Published by INED, Paris, 2017, www.LawsAndFamilies.eu

Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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version of the answers in this section of the database.

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Recommended citation:

A. Katchaounova, 'Migration and legal family formats in Bulgaria', in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu (question 4.x).

Acknowledgment

The research leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 320116 for the research project FamiliesAndSocieties, www.familiesandsocieties.eu.



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Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper: K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Bulgaria

The answers concerning Bulgaria can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Bulgaria by Daniela Furtunova (Section 1)

Income, troubles and legal family formats in Bulgaria by Daniela Furtunova (Section 2)

Parenting and legal family formats in Bulgaria by Daniela Furtunova (Section 3)

Migration and legal family formats in Bulgaria by Adela Katchaounova (Section 4)

Splitting up and legal family formats in Bulgaria by Adela Katchaounova (Section 5)

Death and legal family formats in Bulgaria by Adela Katchaounova (Section 6)

So this paper is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 4.1 Partner of national citizen**
- 4.2 Partner of national citizen (foreign status)**
- 4.3 Partner of (non-EU) foreigner**
- 4.4 Partner of EU citizen (foreign status)**
- 4.5 Foreign status as impediment to marry**
- 4.6 Foreign status and inheritance**
- 4.7 Citizenship**
- 4.8 Recognition of joint adoption**
- 4.9 Recognition of second-parent adoption**
- 4.10 General background regarding migration**

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

4.10 - General background regarding migration (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

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Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1994	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No, but 2007	2015 Doubt 0000
? 0000				No 0000	
<p>References to legal sources: Art. 24 (1)(18) in conjunction with Art. 2(6)(1), Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България) (1998).</p> <p>Art. 8a(2), Residence of Foreigners in the Republic of Bulgaria Act (Закон за пребиваване на чужденците в Република България) (1972, as amended in 1994) (repealed).</p>		<p>References to legal sources:</p>		<p>References to legal sources: Art. 2(6)(5), Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България) (1998, as amended in 2007).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The foreigner spouse of a Bulgarian citizen who has been issued a long-stay visa (for up to 180 days) has the right to receive a long-stay (5 years) residence permit with a possibility of renewal.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: As family member entitled to a long-term residence permit could also be considered: a Bulgarian citizen's family member who has been entirely on her/his maintenance, or for whom the Bulgarian citizen needs to care on her/his own because of serious health reasons. There is no information, however, that this option can in practice be considered applicable for same-sex partners.</p>	

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1994	2015 No 2001	2015 Yes, but 2007	2015 Doubt 2007	X	X
?	N/A 0000	No 1998	No 1989	X	X
		N/A 0000	N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 24(1)(18) in conjunction with Art. 2(6)(1), Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България) (1998).</p> <p>Art. 8a(2), Residence of Foreigners in the Republic of Bulgaria Act (Закон за пребиваване на чужденците в Република България) (1972, amended in 1994) (repealed).</p>		<p>References to legal sources: Art. 5(1), item 2 - Entering, Residence and Leaving Republic of Bulgaria of the Citizens of the European Union and the Members of Their Families Act (2007).</p>			
<p>Explanations and nuances: Due to the limitation of marriage to different-sex couples only, only such marriage can have legal consequences in Bulgarian law, including in terms of eligibility for residence in the country.</p>		<p>Explanations and nuances: Registered partnerships are not recognised in the Bulgarian legal system neither for heterosexual couples, nor for same-sex couples. Foreign registered unions would not be recognised in Bulgaria either even in cases where the two partners are foreign nationals. Registered partnership, as entered into abroad, would be recognised in Bulgaria only as a proof for a duly attested factual cohabitation in the meaning of the above mentioned Act.</p>			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1994	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No, but 2001	2015 No, but 2001
?				No 0000	No 0000
<p>References to legal sources: Art. 24(1)(13), Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България) (1998).</p> <p>Art. 8a(2), Residence of Foreigners in the Republic of Bulgaria Act (Закон за пребиваване на чужденците в Република България) (1972, amended in 1994) (repealed).</p>		<p>References to legal sources:</p>		<p>References to legal sources: Art. 24(1)(14), Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България) (1998, amended in 2001).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: Persons who are in a de facto conjugal cohabitation with foreign workers in diplomatic or consular mission, or in an international organisation, accredited in Bulgaria and who have been given a residence permit on the basis of this status, are also entitled to a residence permit.	

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2007	2015 Yes, but 2007	2015 Yes 2007	2015 Yes 2007	2015 Yes, but 2007	2015 Yes, but 2007
No 0000	No 2001	No 1998	No 1989	No 0000	No 0000
	N/A 0000	N/A 0000	N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Additional provision 1(1) of the Entering, Residence and Leaving Republic of Bulgaria by European Union Citizens and Members of their Family Act (2007) (Закон за влизането, пребиваването и напускането на Република България на гражданите на Европейския съюз и членовете на техните семейства) in relation to Art. 5(1) and (2).</p>		<p>References to legal sources: Additional provision 1(1) of the Entering, Residence and Leaving Republic of Bulgaria by European Union citizens and Members of their Family Act (2007) (Закон за влизането, пребиваването и напускането на Република България на гражданите на Европейския съюз и членовете на техните семейства) in relation to Art. 5(1) and (2).</p>		<p>References to legal sources: Additional provision 1(1) of the Entering, Residence and Leaving Republic of Bulgaria by European Union citizens and members of their family Act (2007) (Закон за влизането, пребиваването и напускането на Република България на гражданите на Европейския съюз и членовете на техните семейства) in relation to Art. 5(1) and (2).</p>	
<p>Explanations and nuances: Art. 5(1) and (2) give a right of entrance and residence in Bulgaria to any other member of the family, notwithstanding his/her citizenship, who does not meet the definition under § 1(1)(a) and who is a financially dependent person or a member of the Household, or who for serious medical reasons requires the personal attendance of the EU citizen. Another hypothesis is the person with whom the EU citizen has duly attested cohabitation. A detailed check-up of all circumstances is carried out. According to the above same-sex married or registered couples should in principle be eligible to residence.</p>		<p>Explanations and nuances: According to the law, the rights therein are granted to the person with whom the EU citizen has duly attested de facto cohabitation. A registered partnership would be considered as a duly attested de facto cohabitation.</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2005	2015 Yes, but 2005	2015 Yes, but 2005	2015 Yes, but 2005	X	X
? 0000	? 2001	? 1998	? 1989	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
<p>References to legal sources: Art. 76 - 77, Code of International Private Law (2005). Art. 7(1) of the Family Code. Art. 75, Code of International Private Law is not applicable to this case as it provides only for the form of marriage, i.e. civil or church marriage.</p>		<p>References to legal sources: Art. 76 - 77, Code of International Private Law (2005). Art. 7(1) of the Family Code.</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: If a foreigner wants to get married before a Bulgarian civil status official, the foreign partner has to certify that: 1) their national law recognises the validity of a marriage concluded before a foreign competent authority; and 2) there are no impediments to conclude the marriage under the national law of the foreign partner.</p> <p>Bulgarians may marry abroad given the conditions for concluding a marriage under the Bulgarian applicable laws are met under art. 76(1) of the Code of International Private Law.</p> <p>When one of the partners is a Bulgarian national or resides primarily in Bulgaria the marriage shall be concluded under Bulgarian law and if the foreign law provides for an impediment to marry, which is not recognised under Bulgarian law, this impediment shall not be taken into consideration.</p> <p>Given that the applicable law of the foreign national provides for same-sex marriage and the foreign national has entered into a same-sex marriage, this should be recognized as an impediment to marry in Bulgaria – despite the provision of the Bulgarian law that overrules foreign impediments to marriage. The existence of a legally recognized marriage, even though not recognized under Bulgarian law should be considered as an impediment to marriage because otherwise it would create an intolerable legal result – a person being married to the spouses simultaneously.</p>		<p>Explanations and nuances: See under Marriage.</p>			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes, but 2007	2015 Yes, but 2007	2015 Yes, but 2007	X	X
	No 2001	No 1998	No 1989	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources: Art. 89, International Private Law Code (Кодекс на международното частно право) (2005). Art. 9, Inheritance Act (Закон за наследството) (1949).		References to legal sources: Art. 89, International Private Law Code (Кодекс на международното частно право) (2005). Art. 9, Inheritance Act (Закон за наследството) (1949).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the International Private Law Code the inheritance of movable property shall be governed by the law of the state in which the deceased had habitual residence before her/his death. And the inheritance of immovable property shall be governed by the law of the state in which the property is situated. Inheritance will thus be governed by the Bulgarian Inheritance Act which reserves the right to inherit to surviving spouses of a different-sex marriage only. Nevertheless, if one of the partners is an EU citizen and they have concluded their marriage in the EU, then a same-sex marriage presumably might be recognised in Bulgaria for inheritance purposes. However this assumption is subject to the principle of public order under International Private Law and Regulation No 650/2012. A person may choose the inheritance of his/hers property to be governed by the law of the country of which he/she is a citizen at the moment of choice. With this choice the reserved share of the inheritance for the heirs by law will not be affected.</p>		<p>Explanations and nuances: According to the International Private Law Code the inheritance of movable property shall be governed by the law of the state in which the deceased had habitual residence before her/his death. And the inheritance of immovable property shall be governed by the law of the state in which the property is situated. Inheritance will thus be governed by the Bulgarian Inheritance Act which reserves the right to inherit to surviving spouses of a different-sex marriage only. Nevertheless, if one of the partners is an EU citizen and they have registered their partnership in the EU, then this partnership presumably might be recognized in Bulgaria for inheritance purposes. However this assumption is subject to the principle of public order under International Private Law and Regulation No 650/2012. A person may choose the inheritance of his/hers property to be governed by the law of the country of which he/she is a citizen at the moment of choice. With this choice the the reserved share of the inheritance for the heirs by law will not be affected.</p>			

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1999	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
No 1968					
? 0000					
References to legal sources: Art. 12, 12a and 13, Bulgarian Citizenship Act (Закон за българското гражданство) (1999). Art. 1(4), Bulgarian Citizenship Act (Закон за българското гражданство) (1968) (repealed).		References to legal sources: Art. 12, 12a and 13, Bulgarian Citizenship Act (Закон за българското гражданство) (1999).		References to legal sources: Art. 12, 12a and 13, Bulgarian Citizenship Act (Закон за българското гражданство) (1999).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the law only a spouse of a Bulgarian citizen is entitled to an easier procedure for obtaining Bulgarian citizenship. According to Art. 13, point 1 a, the person who is to obtain Bulgarian citizenship should be married to a Bulgarian national for at least 3 years prior to filing the application for citizenship. As same-sex marriages are not recognised by Bulgarian law, same-sex spouses are excluded from this opportunity. This option was explicitly excluded in the Bulgarian Citizenship Act (Закон за българското гражданство).</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Doubt 0000	2015 Doubt 0000
References to legal sources: Art. 84 International Private Law Code.		References to legal sources:		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Foreign nationals who have concluded a same-gender marriage and whose national laws allow for this kind of union to be concluded between them would be able to successfully argue that they are in position to jointly adopt a child. However, Bulgarian authorities will not recognise the marriage in Bulgaria as this would be an intolerable legal result, but they will have to simply recognise the marriage's legal effect – in this case the capacity of a spouse and accordingly the capacity of a parent, heir etc. This is the so called mechanism of mitigated public order, which may be applicable in the present case.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Bulgaria**

Source: **A. Katchaunova, "Migration and legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Doubt 0000	2015 Doubt 0000
References to legal sources: Art. 84 International Private Law Code.		References to legal sources: Art. 84 International Private Law Code.		References to legal sources: Art. 84 International Private Law Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A possible hypothesis in which adoption by a same-gender couple would be accomplished is the case of a child who is, firstly, internationally adopted by an LGB person in accordance with the rules of the Bulgarian legislation. On the basis of a new birth certificate a Bulgarian passport for the child would be issued with which he/she would leave the borders of Bulgaria with her/his new parent. When certain period of time passes, the child would have her/his new habitual residence in the foreign country. Thus subsequently the child could be adopted by the same-gender partner of her/his parent if the applicable law provides for such adoption.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>	