

Romanian Citizenship Law

The Law no.21 of March the 1st 1991

regarding Romanian citizenship, republished on August 13th 2010

The Romanian Parliament adopts the following law.

CHAPTER 1 Guiding lines

Art. 1. – (1) The Romanian citizenship expresses the connection and affiliation of a person to the Romanian State.

(2) The Romanian citizens have the same legal rights; Romanian citizens are the only ones to be admitted for civil and military public services.

(3) Romanian citizens benefit from the protection of the Romanian State.

Art. 2. – The ways to gain and lose the Romanian citizenship are the ones stipulated by the present law.

Art. 3. – There are no effects on the spouses' citizenship when their marriage is pronounced, declared invalid, annulled or terminated through divorce.

CHAPTER 2 Acquiring Romanian Citizenship

Art. 4. – The Romanian citizenship is acquired by:

- a) birth;
- b) adoption;
- c) on request.

A. By birth

Art. 5. – (1) The children born from Romanian citizens on Romanian territory are Romanian citizens.

(2) Furthermore, Romanian citizens are also those:

- a) born on the Romanian territory, even if only one of the parents is a Romanian citizen;
- b) born abroad and both parents, or only one of them has a Romanian citizenship.

(3) The child found on Romanian territory is considered a Romanian citizen, unless otherwise proven, if none of the parents is known.

B. By adoption

Art. 6. – (1) Romanian citizenship is acquired by a child possessing foreign citizenship or without citizenship through adoption, if the foster parents are Romanian citizens. If the foster child is of age, his consent is necessary.

(2) If only one of the foster parents is a Romanian citizen the citizenship of the underage foster child will be decided by the foster parents through mutual agreement. When the foster parents can't reach such agreement, the court of law qualified to allow the adoption, will decide on the citizenship of the underage child, considering his best interests. As regarding the child that has turned 14, his consent is necessary.

(3) If the adoption is made by a single person who has a Romanian citizenship, the underage child acquires the foster parent's citizenship.

Art. 7. (1) In the case of the adoption being declared invalid or annulled, the child who is not 18 yet is considered to never have been a Romanian citizen if he resides abroad or if he leaves Romania to reside abroad.

(2) In the case of adoption dissolution the child who is not 18 yet loses the Romanian citizenship on the date of the adoption being dissolved, if he resides abroad or if he leaves the country to reside abroad.

C. Acquiring on request

Art. 8. – (1) The Romanian citizenship can be granted on request to that foreign citizen or to that person without citizenship who:

a) was born and resides on the Romanian territory at the request date or, even though he was not born on this territory, he has been residing legally on the Romanian territory for at least 8 years, or if he has been married to and living with a Romanian citizen for at least 5 years since marriage;

b) proves loyalty towards the Romanian State through his behaviour, actions and attitude, does not carry out or support actions against the rightful order or national security and declares that he has never before carried out such actions;

c) has turned 18;

d) has legal means for a decent existence in Romania, under the conditions stipulated by the legislation regarding foreigner status;

e) has a general good behavior and has not been convicted in the country or abroad for a crime that makes him unworthy of being a Romanian citizen;

f) knows the Romanian language and has acquired basic notions of Romanian culture and civilization, enabling him to integrate himself in the social life.

g) knows the provisions of the Romanian Constitution and the national anthem.

(2) The terms stipulated in paragraph 1 line (a) can be reduced up to half in the following cases:

a) the applicant is a famous personality at international level;

b) the applicant is the citizen of a European Union member state;

c) the applicant has acquired the status of refugee according to the legal provisions in force;

d) the applicant has invested in Romania sums exceeding the amount of 1,000,000 euro.

(3) If the foreign citizen or the person without citizenship requesting the Romanian citizenship leaves the Romanian territory for more than six months during one year, that respective year will not be included in the period stipulated in paragraph 1 line a).

Art. 9. – (1) The underage child who has not turned 18 yet born from foreign citizens parents or parents with no citizenship acquires the Romanian citizenship at the same time with his parents.

(2) If only one of the parents acquires the Romanian citizenship, the parents will jointly decide on the citizenship of the child. If the parents do not come to an agreement, the court of law where the child resides will make that decision considering his best interests. If the child has turned 14 his consent is necessary.

(3) The child acquires Romanian citizenship at the same date as his parent.

(4) If the underage child has acquired the Romanian citizenship under the conditions stipulated in paragraph (1) or (2) and has not been included in the parent's citizenship certificate or has not been granted the citizenship certificate according to the provisions of article 20, paragraph (5) or (7), the parents or the parent, as the case may be, who are Romanian citizens, can request the transcription or registration in the Romanian civil status registries of the civil status certificates or extracts issued by the foreign authorities under the conditions stipulated by Law no. 119/1996 regarding civil status documents, republished in the Official Press Body of Romania, Part I, no. 743 of November 2nd 2009.

(5) The child who has turned 14 can request on his own the transcription or registration of the birth certificate or extract. In this case, the underage child's citizenship is proved by the identity card or passport issued by the Romanian authorities to the parent or by the certificate mentioned in article 20, paragraph (4).

Art. 10. – (1) The Romanian citizenship can also be granted to persons who have lost this citizenship, as well as to their descendants to the second degree inclusively and who request its reacquisition while maintaining the foreign citizenship and establishing their residence in the country or maintaining it abroad, if they adequately comply with the conditions stipulated in article 8 paragraph (1) line b), c), d) and e).

(2) The provisions of paragraph (1) also apply to stateless persons who are former Romanian citizens and to their descendants to the second degree inclusively.

(3) The citizenship reacquisition by one of the spouses has no consequence on the citizenship of the other spouse. The spouse who is a foreign citizen or has no citizenship of the person who reacquires the Romanian citizenship can request the Romanian citizenship acquisition under the conditions of the present law.

Art. 11. – (1) The persons who acquired the Romanian citizenship by birth or adoption and have lost it for reasons non-imputable to them or this citizenship has been revoked without their consent, as well as their descendants to the third degree, can apply to reacquire or can be granted the Romanian citizenship, having the possibility to maintain the foreign citizenship and to establish their residence in the country or to maintain it abroad, if they comply with the conditions stipulated in article 8 paragraph (1) line b), c) and e).

(2) The provisions of article 10 paragraph (2) and (3) apply correspondingly.

CHAPTER 3

The citizenship granting procedure

Art. 12. – The applications to be granted or reacquire the Romanian citizenship are approved through an order of the president of the National Citizenship Authority, on the basis of the proposals made by the Citizenship Commission.

Art. 13. – (1) The application to be granted or reacquire the Romanian citizenship, as the case may be, is to be formulated in Romanian, is to be addressed to the Citizenship Commission and is to be filed at the headquarters of the National Citizenship Authority personally or, in well justified cases, by a proctor possessing a special and authentic mandate, and is accompanied by the appropriate paperwork proving that the conditions stipulated by the present law have been met.

(2) The applications to reacquire or be granted the Romanian citizenship based on the provisions of article 10 paragraph (1) and article 11 can also be filed at the diplomatic missions or the consular offices of Romania. If the applications have been filed at the diplomatic missions or the consular offices of Romania, they will be immediately sent to the Citizenship Commission within the National Citizenship Authority.

Art. 14. – (1) The Citizenship Commission, hereafter referred to as the Commission, an entity without juridical personality within the National Citizenship Authority,

verifies the compliance with the conditions stipulated by the law regarding the granting, reacquisition, withdrawal or disclaiming of the Romanian citizenship.

(2) The Commission has a technical secretariat created within the National Citizenship Authority.

(3) The Commission members and its president are appointed through an order of the minister of justice, for a two year mandate, and they can be revoked throughout the mandate through an order of the minister of justice.

(4) The Commission has permanent activity, is made up of a president and 20 members, who are personnel members within the National Citizenship Authority. The Commission proceedings are not public, they develop in the presence of at least 3 members and are presided by the president and, in his absence, by a member appointed by him.

Art. 15. – (1) The application to be granted or reacquire citizenship is registered at the Commission technical secretariat. If the Commission president ascertains the absence of some documents necessary for the solution of the application, he can request, through resolution, the completion of the file. If the necessary documents are not submitted within a maximum of 6 months of request delivery, the application will be dismissed as unsupported.

(2) The Commission president establishes, through resolution, the date when the application to be granted or reacquire citizenship will be debated and he also decides the request for information from any authority regarding the compliance with the conditions stipulated in article 8 paragraph (1) line b) and e).

(3) On the date established to debate the application, the Commission verifies the compliance with the conditions necessary to be granted or reacquire citizenship, except for the conditions stipulated in article 8 paragraph (1) line f) and g).

(4) If the Commission determines the need to hear several people who could provide useful information regarding the solution of the application, it will rule that they should be summoned, establishing a new hearing date.

(5) If the conditions for Romanian citizenship granting are met, the Commission schedules, within a period of maximum 6 months, an interview with the respective person, which will be organized in order to verify the conditions stipulated in article 8 paragraph (1) line f) and g).

Art. 16. – (1) The application to be granted or reacquire the Romanian citizenship, formulated according to article 11, is registered at the Commission technical secretariat.

(2) The Citizenship Commission president orders through resolution:

a) the request for information from any authority regarding the compliance with the conditions stipulated in article 8 paragraph (1) line b) and e);

b) the file completion by applicant, within a period of maximum 2 months of request delivery from the Commission technical secretariat, if absence of some documents necessary for the application solution is determined, under sanction of application dismissal as unsupported;

c) the establishment of the date when the Commission will verify the compliance with the conditions necessary for the granting or reacquisition of the Romanian citizenship according to article 11, which will be within a maximum of 5 months of the application registration date.

Art. 17. – (1) If the conditions stipulated by the law regarding the granting or reacquisition of citizenship are not met and in the case of failure during the interview mentioned at article 15 paragraph (5) or unjustified absence from aforementioned interview, the Commission will propose to the president of the National Citizenship Authority, through a founded report, that the application should be dismissed.

(2) A new application to be granted or reacquire the Romanian citizenship can be filed after 6 months from the dismissal of the previous application.

Art. 18. – (1) If the applicant is declared admitted during the interview, the Commission will draw up a report mentioning the compliance with the legal conditions regarding the granting or reacquisition of citizenship, as the case may be.

(2) The report, together with the application to be granted or reacquire citizenship will be handed in to the president of the National Citizenship Authority.

Art. 19. – (1) Upon ascertaining the compliance with the conditions stipulated by the present law, the president of the National Citizenship Authority will issue the order to be granted or reacquire the Romanian citizenship, as the case may be. The order to be granted or reacquire the Romanian citizenship is communicated to the applicant through certified mail with notice of delivery immediately after the date of the order being issued.

(2) If the president of the National Citizenship Authority ascertains the non-compliance with the conditions stipulated by the law, he will dismiss, through an order, the application to be granted or reacquire citizenship.

(3) The order to be granted or reacquire the Romanian citizenship issued by the president of the National Citizenship Authority, respectively the order to dismiss the application to be granted or reacquire the Romanian citizenship is communicated immediately to the applicant through certified mail with notice of delivery.

(4) The order to dismiss the application to be granted or reacquire the Romanian citizenship can be contested within 15 days of the communication date, at the Appeal Court in Bucharest, the administrative legal department. The decision of the Appeal

Court is final and can be appealed at the administrative legal department within the High Court of Justice.

Art. 20. – (1) The Romanian citizenship is granted or reacquired on the date when the oath of faith is taken.

(2) Within 3 months of the communication of the order to be granted or reacquire the Romanian citizenship issued by the president of the National Citizenship Authority, the persons who have been granted or have reacquired the Romanian citizenship will take the oath of faith towards Romania.

(3) The oath of faith is taken in a solemn assembly before the minister of justice and the president of the National Citizenship Authority or one of the two vice-presidents of the Authority appointed for this purpose and has the following content: "I swear devotion to the Romanian country and Romanian people, I swear to defend the rights and national interest, to respect the Constitution and the laws of Romania".

(4) After the oath has been taken, the Commission issues the Romanian citizenship certificate, which will be drafted in two copies, signed by the president of the National Citizenship Authority, out of which one copy will be handed in to the holder. Both copies of the certificate contain safety elements and photos of the holder.

(5) If underage children acquire the Romanian citizenship at the same time as their parents or one parent, they will be registered in their parents' citizenship certificate and do not take the oath.

(6) The person who has acquired the Romanian citizenship under the conditions stipulated in article 10 and 11, while maintaining his residence abroad, will take the oath of faith before the head of the diplomatic mission or consular office of Romania in the country where he resides, within the period stipulated in paragraph (2). In this case, the Romanian citizenship certificate will be issued by the head of the respective diplomatic mission or consular office.

(7) If the child becomes of age during the application solution process until the date when the parents acquire the Romanian citizenship, he will take the oath of faith and will be issued a different citizenship certificate.

Art. 21. – (1) If the person who has acquired the Romanian citizenship does not take the oath for reasons imputable to that person within the period mentioned at article 20 paragraph (2), the effects of the order to be granted or reacquire the Romanian citizenship will cease for that respective person.

(2) The person who ascertains the cessation of the effects of the order to be granted or reacquire the Romanian citizenship for the person who has not taken the oath under the conditions of the law is the president of the National Citizenship Authority, at the notification of the specialty department within the authority, or the head of the diplomatic mission or consular office, as the case may be.

(3) The person who dies before taking the oath of faith towards Romania is acknowledged as a Romanian citizen, at the request of his legal successors, starting with the date when the order to be granted or reacquire the Romanian citizenship is issued by the president of the National Citizenship Authority, and the citizenship certificate is to be issued by the Commission. The application can be filed within one year of the death date of the holder of the application to be granted or reacquire the Romanian citizenship.

(4) The person who cannot take the oath of faith towards Romania because of a permanent disability or a chronic disease will acquire the Romanian citizenship on the date when the order to be granted or reacquire the Romanian citizenship, as the case may be, is issued by the president of the National Citizenship Authority, on the basis of the application and medical certificates, filed for this purpose personally or by the legal or conventional representative possessing a special mandate before the date when the citizenship granting or reacquisition procedure, as the case may be, is finalized. The application addressed to the Commission regarding the issuance of the citizenship certificate can be formulated within one year of the acknowledgement of the term when the oath of faith is to be taken. If the application is not filed within one year, the effects of the order to be granted or reacquire the Romanian citizenship issued by the president of the National Citizenship Authority will cease.

CHAPTER 4

The proof of Romanian citizenship

Art. 22. – (1) The proof of Romanian citizenship is the identity card, the passport or the certificate stipulated in art.20, paragraph (4).

(2) The citizenship of the child under 14 is proved by his birth certificate, together with the identity card or the passport of either one of the parents.

(3) If the child is registered in the identity card or the passport of one of the parents, as the case may be, the proof of citizenship is done by any of these papers.

Art. 23. – If necessary the Romanian diplomatic missions or consular offices may release proofs of citizenship, on request, for Romanian citizens abroad.

CHAPTER 5

Losing the Romanian citizenship

Art. 24. – The Romanian citizenship can be lost by:

- a) withdrawing the Romanian citizenship;
- b) accepting the disclaiming of the Romanian citizenship;
- c) other cases stipulated by the law.

A. By withdrawing the citizenship

Art. 25. – (1) The Romanian citizenship can be withdrawn from a person that:

a) being abroad, commits very serious crimes that injure the interests of the Romanian state or its authoritativeness;

b) being abroad, enlists himself in the army of a state that Romania broke any diplomatic relations with or is at war with;

c) has illegally obtained the Romanian citizenship;

d) is known to have connections with terrorist groups or has supported them in any way, or has committed other crimes which endanger national security.

(2) The Romanian citizenship cannot be withdrawn from a person who acquired it by birth.

Art. 26. – The withdrawing of the citizenship has no effects on the citizenship of the spouse or the children of the person to whom the citizenship was withdrawn.

B. By accepting the disclaiming of the citizenship

Art. 27. – The disclaiming of the Romanian citizenship can be accepted, for substantial reasons, in the case of a person who has turned 18 and who:

a) is not under charge or defendant in a criminal case or has to serve a penal punishment;

b) is not searched for debts to the state, to certain individuals or corporate bodies from the country, or in case he has such debts, he pays them back or presents adequate guarantees for solving them;

c) has acquired or has applied for and has the certainty that he will acquire a different citizenship.

Art. 28. – (1) Losing the Romanian citizenship by accepting the disclaiming has no effect on the citizenship of the spouse and underage children.

(2) However, if both parents obtain the acceptance for disclaiming the Romanian citizenship, and the underage child lives with them abroad or leaves the country together with them, the underage child loses the Romanian citizenship at the same time with his parents, and if the latter lost their citizenship at different dates, on the last of these dates. The underage child that leaves the country, in order to live abroad, after both of his parents have lost their citizenship, also loses his Romanian citizenship when he leaves the country.

(3) The provisions of paragraph (2) adequately apply also in case only one parent is known or alive.

(4) The underage child, entrusted through a court decision to the parent who resides abroad and who has disclaimed the citizenship, loses the Romanian citizenship at the same time as the parent he was entrusted to and lives with, provided he has obtained the consent of the other parent who is a Romanian citizen.

(5) In the cases stipulated in paragraphs (2) – (4) the child who has turned 14 will be asked for his consent.

C. Other cases of losing the Romanian citizenship

Art. 29. – (1) The underage Romanian citizen child, adopted by a foreign citizen, loses the Romanian citizenship if, at the request of the foster parents, or the foster parent, as the case may be, he acquires their citizenship under the conditions stipulated by the foreign legislation. The underage child who has turned 14 will be asked for his consent.

(2) The date when the Romanian citizenship is lost under the conditions stipulated in paragraph (1) is the date when the underage child acquires the foster parent's citizenship.

(3) If the adoption is annulled or declared invalid, it is considered that the child who is not 18 yet has never lost his Romanian citizenship.

Art. 30. – (1) In the case stipulated in art.5 paragraph (3), the found child loses the Romanian citizenship if, by the time he turns 18, his filiations towards both his parents has been established and they are foreign citizens.

(2) The Romanian citizenship is also lost if the filiations has been established only towards one parent foreign citizen, the other parent remaining unknown.

(3) The date of losing the Romanian citizenship as stipulated in paragraphs (1) and (2) is the date of establishing the child's filiations.

CHAPTER 6

The procedure of withdrawing and accepting the disclaiming of the Romanian citizenship

Art. 31. – (1) The application to disclaim the Romanian citizenship, together with the supporting documents stipulated in article 27, are to be filed at the Commission technical secretariat or the diplomatic missions or consular offices of Romania in the country where the applicant lives or resides.

(2) If the Commission president notices the absence of some documents necessary for the solution of the application, he can request, through resolution, the completion of the file. If the necessary documents are not submitted within a maximum of 6 months of notification, the application will be dismissed as unsupported.

(3) If the file contains all documents necessary for the solution of the application to disclaim the Romanian citizenship, the Commission president allows, through resolution, the request for information from any authority regarding the compliance with the conditions stipulated in article 27 line a) and b), as the case may be.

(4) The president of the National Citizenship Authority decides, through an order, the acceptance or dismissal, as the case may be, of the application to disclaim the Romanian citizenship, on the basis of the Commission's report, which ascertains the compliance or non-compliance with the conditions stipulated in article 27.

(5) The order to accept or dismiss the application to disclaim the Romanian citizenship issued by the president of the National Citizenship Authority is communicated to the applicant through certified mail with notice of delivery.

(6) The order to dismiss the application to disclaim the Romanian citizenship can be contested, within 15 days of the notification date, at the Appeal Court in Bucharest. The decision of the Appeal Court is final and can be appealed at the administrative legal department within the High Court of Justice.

(7) The loss of the Romanian citizenship by disclaiming takes place on the date when the Romanian citizenship disclaiming certificate is issued.

(8) The Romanian citizenship disclaiming is proved by the certificate issued by the Commission secretariat, for the persons residing in Romania, or by the diplomatic missions or consular offices of Romania, for the persons residing or living abroad, on the basis of the order issued by the president of the National Citizenship Authority.

Art. 32. – (1) Any authority or person that knows of any reason for the withdrawal of the Romanian citizenship may notify, in writing, the Commission, with the obligation of bringing the proofs he has.

(2) The Commission president establishes, through resolution, the date when the withdrawal notification will be debated, also deciding:

a) to ask for the point of view of the competent authorities regarding the compliance with the legal conditions related to the citizenship withdrawal;

b) to invite the person who formulated the notification, as well as any other person who may provide useful information for the solution of the application;

c) to subpoena the person in question at the known residence, or, if this is not known, by publishing the subpoena in the Official Press Body of Romania, Part III. The person is subpoenaed at least 6 months before the date established for the notification debate.

(3) On the day established for the notification debate, the Commission verifies the compliance with the conditions necessary for the Romanian citizenship withdrawal. It hears the persons subpoenaed according to paragraph (2) line b), as well as the

person in question. The absence of the legally subpoenaed person does not hinder the development of the Romanian citizenship withdrawal procedures.

(4) If the Commission ascertains the compliance or non-compliance, as the case may be, with the legal conditions regarding the Romanian citizenship withdrawal, it will propose to the president of the National Citizenship Authority, through a founded report, to allow the Romanian citizenship withdrawal or to dismiss the notification, as the case may be.

(5) The president of the National Citizenship Authority, ascertaining the compliance with the conditions stipulated by the law, issues the order to withdraw the Romanian citizenship, respectively to dismiss the Romanian citizenship withdrawal notification, if he ascertains the non-compliance with the conditions stipulated by the law.

(6) The order issued by the president of the National Citizenship Authority to accept or dismiss the citizenship withdrawal notification is communicated to the person in question, as well as to the person who formulated the notification, through certified mail with notice of delivery.

(7) The order can be contested within 15 days of the communication date, at the administrative legal department of the appeal court where the applicant lives or resides. If the applicant does not live or reside in Romania, the order can be contested, within the same period, at the administrative legal department of the Appeal Court in Bucharest. The decision of the appeal court is final and irrevocable.

(8) The Romanian citizenship is lost by withdrawal on the day the order to allow the Romanian citizenship withdrawal is issued by the president of the National Citizenship Authority.

CHAPTER 7

Transitory and final dispositions

Art. 33. – The persons that acquired and kept the Romanian citizenship according to the previous legislation are and remain Romanian citizens.

Art. 34. – (1) The applications regarding the granting of the Romanian citizenship and the acceptance of disclaiming the Romanian citizenship are subjected to a tax stipulated by the law.

(2) By derogation from the stipulations in paragraph (1), the reacquisition of the Romanian citizenship according to article 10 paragraph (2) and article 11 is free from any taxes stipulated by the law.

Art. 35. – The persons to whom the Romanian citizenship has been granted have all the rights and liberties, according to the law, as well as the obligations stipulated by the Constitution and the state's laws for the Romanian citizens.

Art. 36. – (1) The Romanian citizenship titled “honorary citizenship” may be granted to some foreigners for special services in favour of the country and the Romanian people, at the Government’s proposal, with no other formality, by the Romanian Parliament.

(2) The persons who have acquired the honorary citizenship enjoy all the civilian and political rights that are recognized to the Romanian citizens, except the right of electing and being elected and that of carrying out a public rank.

Art. 37. – For the situations where the consent of the other parent or of the child who has turned 14 is asked for, this must take the form of an authentic declaration taken in the presence of the notary public or, abroad, at the diplomatic missions or consular offices of Romania.

Art. 38. – (1) The present law comes into force within 30 days of its being published in the Official Press Body of Romania.

(2) The applications that are being resolved when the present law comes into force will be solved according to its stipulations. The conditions of acquiring the Romanian citizenship remain subject to the regulations in force on the date when the application was filed.

Art. 39. – On the date when this law comes into force, The Law no. 24/1971 - The Romanian citizenship law, the Decree-Law no.137/1990 regarding some provisions which refer to the Romanian citizenship, the provisions of art. 3 and 8 of the Decree-Law no.7/1989 regarding the repatriation of the Romanian citizens and that of the former Romanian citizens, as well as any other provisions contrary to the present law are abolished.