

No. 23400

**BULGARIA
and
MONGOLIA**

**Treaty regulating questions of dual nationality. Signed at
Ulan Bator on 21 November 1983**

*Authentic texts: Bulgarian and Mongolian.
Registered by Bulgaria on 18 June 1985.*

**BULGARIE
et
MONGOLIE**

Accord portant réglementation des cas de double nationalité. Signé à Oulan-Bator le 21 novembre 1983

*Textes authentiques : bulgare et mongol.
Enregistré par la Bulgarie le 18 juin 1985.*

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA AND THE MONGOLIAN PEOPLE'S REPUBLIC REGULATING QUESTIONS OF DUAL NATIONALITY

The People's Republic of Bulgaria and the Mongolian People's Republic, considering that there are persons whom each of the Contracting Parties, in accordance with its legislation, regards as its nationals,

And wishing to terminate the dual nationality of such persons on the basis of free choice and to prevent dual nationality from arising in the future, have agreed to conclude this Treaty.

For that purpose they have appointed as their plenipotentiaries:

The Council of State of the People's Republic of Bulgaria: Evtim Stoimenov, First Deputy Minister of Justice of the People's Republic of Bulgaria;

The Presidium of the Great People's Khural of the Mongolian People's Republic: Louvsandordjin Renchina, First Deputy Minister of Justice of the Mongolian People's Republic,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

PART I. TERMINATION OF DUAL NATIONALITY

Article 1. Persons whom both Contracting Parties regard as their nationals in accordance with their legislation shall, under the provisions of this Treaty, opt for the nationality of one of the two Contracting Parties.

Article 2. 1. The persons referred to in article 1 shall file a written declaration of option regarding nationality, in duplicate, within one year after the date of entry into force of this Treaty.

2. Persons who opt for the nationality of the Contracting Party in whose territory they are domiciled shall file the declaration with the competent authorities of that Party.

3. Persons who are domiciled in the territory of one Contracting Party and wish to opt for the nationality of the other Contracting Party shall file their declaration with the diplomatic or consular mission of the Contracting Party for whose nationality they opt.

4. Persons who are living in the territory of a third country shall file their declaration with the diplomatic or consular mission of the Contracting Party for whose nationality they opt.

Article 3. 1. A declaration of option regarding nationality shall be filed only by a person of full legal age. Persons of full legal age within the meaning of this Treaty

¹ Came into force on 26 May 1984, i.e., 30 days after the exchange of the instruments of ratification, which took place at Sofia on 26 April 1984, in accordance with article 16 (1).

are persons who have reached the age of 18 years, and persons under age who are married.

2. Minors between the ages of 14 and 18 years shall file a declaration of option regarding nationality countersigned by their parents or guardian.

3. The choice of nationality in the case of minors below the age of 14 years shall be made by their parents, on the basis of mutual agreement, who shall file an appropriate declaration.

Article 4. 1. Persons who fail to file a declaration shall retain the nationality of the Contracting Party in whose territory they are domiciled on the date of expiry of the time-limit specified in article 2, paragraph 1.

2. Persons who fail to file a declaration and have their domicile in the territory of a third country shall retain the nationality of the Contracting Party in whose territory they were domiciled before their departure for the third country.

Article 5. Where no declaration of option regarding nationality is filed within the time-limit specified in article 2, paragraph 1, in respect of a minor below the age of 14 years, his nationality shall be determined in the following manner:

(a) If, on the date of expiry of the time-limit, the parents had a joint domicile in the territory of one of the Contracting Parties, the child shall retain the nationality of that Contracting Party;

(b) If, on the date of expiry of the time-limit, the parents were domiciled in a third country, the child shall retain the nationality of the Contracting Party in whose territory the parents had a joint domicile before their departure for the third country;

(c) If, before the expiry of the time-limit, the parents had no joint domicile, the child shall retain the nationality of the Contracting Party of which the parent with whom the child is living is a national.

(d) If, before the expiry of the time-limit, the parents have not married each other or if their marriage has been terminated by divorce or death, or declared null and void, the child shall retain the nationality of the Contracting Party of which the parent having custody is a national;

(e) If, before the expiry of the time-limit, one of the parents is missing or has been deprived of custody of the child, the child shall retain the nationality of the Contracting Party of which the other parent is a national;

(f) If, before the expiry of the time-limit, both parents are deceased, or are missing, or have been deprived of custody, the child shall retain the nationality of the Contracting Party in whose territory the child is living;

(g) If one of the parents is a national of one Contracting Party and the other is a national of the other Contracting Party and, before the expiry of the time-limit, they acquire the same nationality, the child shall take the joint nationality of the parents.

Article 6. Persons who have opted for the nationality of the other Contracting Party, in accordance with this Treaty, may retain their former domicile. They shall be treated as aliens.

Article 7. No later than six months after the date of expiry of the time-limit specified in article 2 of this Treaty, the Contracting Parties shall exchange, through

the diplomatic channel, lists of persons who have filed declarations of option regarding nationality. A copy of each declaration shall accompany the list.

PART II. PREVENTION OF DUAL NATIONALITY

Article 8. Nationals of one Contracting Party may acquire the nationality of the other Contracting Party subject to compliance with the legal provisions of that Party, if they produce a document showing that they have relinquished their former nationality.

Article 9. 1. Where one parent is a national of one Contracting Party and the other is a national of the other Contracting Party, such parents may, by mutual agreement, opt for the nationality of one Contracting Party on behalf of a child born after the entry into force of this Treaty.

2. The parents shall file with the competent authorities of the Contracting Party for whose nationality they opt, a written declaration, in duplicate, within one year after the date of the child's birth.

3. The competent authorities referred to in paragraph 2 of this article shall be:

- (a) The appropriate organs of State administration, where the chosen nationality is that of the Contracting Party in whose territory the parents are living;
- (b) The diplomatic or consular mission of the Contracting Party whose nationality is chosen, if the parents are living in the territory of the other Contracting Party or in a third country.

Article 10. 1. If the parents fail to file a declaration in accordance with article 9, paragraph 2, the child shall acquire the nationality of the Contracting Party in whose territory it was born.

2. If the child was born in the territory of a third State and the parents fail to file a declaration of option regarding nationality, the child shall acquire the nationality of the Contracting Party in whose territory the parents were domiciled before their departure for such third country. If they had no joint domicile, the child shall acquire the nationality of the Contracting Party of which the mother is a national.

3. If, at the time of expiry of the one-year period specified in article 9, paragraph 2, one parent dies, or his or her place of residence is unknown, or he or she is deprived of custody, the child shall take the nationality of the other parent.

4. If the parents are unmarried, or their marriage is terminated by divorce, or is declared null and void before the expiry of the time-limit referred to in article 9, paragraph 2, and the parents fail to file a declaration of option regarding nationality, the child shall acquire the nationality of the Contracting Party of which the parent having custody is a national.

5. Where, although the marriage between the parents has not been terminated by divorce or declared null and void, the parents are living apart and have failed to file a declaration of option regarding nationality, the child shall acquire the nationality of the Contracting Party of which the parent with whom the child is living or who has custody on the date of expiry of the time-limit is a national.

Article 11. Within the first three months of each year, the Contracting Parties shall transmit, through the diplomatic channel, lists containing the names and ad-

dresses of children on whose behalf the parents have filed a declaration of option regarding nationality during the previous year in accordance with the provisions of article 9. The lists shall be accompanied by a copy of the declaration and a full transcript of the record of birth.

PART III. GENERAL PROVISIONS

Article 12. Declarations of option regarding nationality shall be exempt from taxes and charges.

Article 13. 1. Persons who, in accordance with this Treaty, have filed a declaration of option regarding nationality shall retain only the nationality of the Contracting Party for whose nationality they have opted as from the date of filing of the application.

2. Persons who have failed to file a declaration of option regarding nationality shall retain the nationality determined in accordance with this Treaty as from the date of expiry of the time-limit referred to in article 2, paragraph 1, and article 9, paragraph 2.

3. In the case of children born after the entry into force of this Treaty, the choice or determination of nationality in accordance with articles 9 and 10 shall date from the day of birth.

Article 14. Any questions arising between the Contracting Parties in connection with the interpretation and application of this Treaty shall be settled through the diplomatic channel.

Article 15. Where declarations of option regarding nationality in accordance with articles 2 and 9 are not filed directly with the competent authorities, the signatures shall be duly authenticated.

PART IV. FINAL PROVISIONS

Article 16. 1. This Treaty is subject to ratification and shall enter into force 30 days after the exchange of the instruments of ratification, which shall take place at Sofia.

2. This Treaty is concluded for a term of five years. It shall be renewed automatically for successive five-year periods, unless one of the Contracting Parties gives written notice of denunciation at least six months before the expiry of the current term.

3. The Contracting Parties have agreed to publish this Treaty after its entry into force.

4. Done at Ulan Bator on 21 November 1983, in duplicate in the Bulgarian and Mongolian languages, both texts being equally authentic.

IN WITNESS WHEREOF, the Plenipotentiaries of the two Contracting Parties have signed and sealed this Treaty.

For the People's Republic
of Bulgaria:

[EVTIM STOIMENOV]

For the Mongolian
People's Republic:

[LOUVSANDORDJIN RENCHINA]