

RECENT AMENDMENTS TO CITIZENSHIP LAW NO. 21/1991 UNDER LAW NO. 14/2025

S.G. BARBU¹ D. CERBU²

Abstract: *Law No. 14/2025 introduces significant amendments concerning the procedure for the acquisition, reacquisition, and loss of citizenship. The new provisions establish strict deadlines, additional requirements for applicants, and extended mechanisms for verifying the authenticity of submitted documents. Furthermore, the law introduces a citizenship card based on the collection of biometric data, with the declared objective of strengthening security measures. The present analysis examines the impact of the new legal framework considering constitutional requirements relating to legality, decision-making transparency, and normative predictability in the field of citizenship.*

Key words: *citizenship, Romanian Citizenship Law No. 21/1991, National Authority for Citizenship, Citizenship Commission, constitutionality.*

1. Introduction

Romanian Citizenship Law No. 21/1991 regulates the legal regime governing the acquisition, reacquisition, renunciation, and withdrawal of Romanian citizenship, establishing the fundamental normative framework for legal affiliation to the Romanian state. Adopted in the context of the country's transition from a totalitarian regime to a democratic system, the law explicitly enshrines the principle of *jus sanguinis* as the primary basis for acquiring citizenship, in accordance with Romania's constitutional tradition and international standards. This piece of legislation has undergone a complex legislative process, having been amended and supplemented on multiple occasions to reflect social and political developments, administrative needs, as well as the requirements imposed by European Union law in this area. Regarding the conferral of Romanian citizenship, the Constitutional Court has held that it "is a matter of national law, which falls among the most discretionary prerogatives of the state, being an expression of state sovereignty. Moreover, the exclusive competence of Member States in matters of nationality has been consistently recognized by the Court of Justice of the European Union".

¹ *Transilvania University of Braşov*, sg.barbu@unitbv.ro, corresponding author

² Trainee magistrate in the National Citizenship Authority, dancerbu13@gmail.com

2. Brief Historical Overview

2.1. Romanian Citizenship Prior to the Adoption of Law No. 21/1991

The legal regime governing Romanian citizenship prior to the adoption of Law No. 21/1991 evolved in close connection with the formation and consolidation of the modern Romanian state, reflecting both the constitutional orientations of each era and the specific political and ideological context of the respective periods.

The Constitution of 1866 was the first normative act to expressly define the status of Romanian citizen, enshrining the transmission of citizenship by descent (*jus sanguinis*) as the primary means of acquisition. The access of foreign nationals to Romanian citizenship was subject to a special legislative procedure, culminating in the adoption of an individual naturalisation law by Parliament.

Subsequently, in the context of the territorial reconfiguration brought about by the Act of Union of 1918, Law No. 724/1924 on Romanian Citizenship was enacted, aiming to unify the various legal regimes in force across the historical provinces. The law reaffirmed the *jus sanguinis* principle, complemented by provisions on the acquisition of citizenship by filiation, naturalisation, and marriage.

During the communist regime, individuals who emigrated illegally or expressed political dissent were frequently subjected to the loss of Romanian citizenship, based on arbitrary decisions issued by the authorities.

2.2. Romanian Citizenship following the adoption of Romanian citizenship Law no. 21/1991

The legal regime of Romanian citizenship, as established by Law No. 21/1991, has undergone continuous legislative development since its adoption, shaped both by internal transformations of the constitutional order and by Romania's international commitments, particularly in the context of European integration. The law was adopted during a period of post-totalitarian institutional reconstruction and served as an instrument for modernizing the relationship between the individual and the state, by establishing a coherent general framework for the acquisition, reacquisition, renunciation, and withdrawal of Romanian citizenship.

The original text was subject to an extensive process of normative adjustment, primarily intended to reflect changing social and political realities, as well as to harmonize domestic provisions with European and international standards in the field. The first major amendments were introduced through Government Emergency Ordinance No. 68/2002 and Emergency Ordinance No. 147/2008, which aimed at broadening the conditions for reacquiring citizenship and simplifying certain administrative procedures.

In the following years, the legislator sought to update and streamline institutional mechanisms. Through Emergency Ordinance No. 36/2009 and Emergency Ordinance No. 65/2017, additional conditions were introduced, such as proficiency in the Romanian language, attachment to constitutional values, and the absence of criminal records,

along with a redefinition of the responsibilities of the Citizenship Commission (the Commission).

The most recent legislative amendments, introduced by Emergency Ordinance No. 100/2024, primarily aimed to support Romania's efforts to join the United States Visa Waiver Program, by strengthening the security measures applicable to the entire citizenship acquisition process. A noteworthy novelty introduced by this ordinance is the establishment of the Romanian Citizenship Card, a personalized electronic document attesting to the acquisition of citizenship. This card integrates the holder's biometric data and serves to certify the identity and legal status of the individual in relation to the Romanian state. The issuance and management of these cards are the responsibility of the National Company "Imprimeria Națională" – S.A., in collaboration with the Ministry of Internal Affairs and other competent authorities. Another substantial amendment concerns the introduction of mandatory biometric identity verification for applicants prior to the completion of the citizenship acquisition or reacquisition procedure— a preventive requirement aimed at combating fraud attempts and aligning with international security standards.

3. Overview of the National Authority for Citizenship (ANC)

Pursuant to the provisions of Law No. 21/1991 on Romanian Citizenship, as subsequently amended — including by Law No. 14/2025 — the ANC operates as a specialized administrative institution under the authority of the Ministry of Justice, having exclusive jurisdiction over the procedures for the acquisition, reacquisition, renunciation, and withdrawal of Romanian citizenship. The ANC performs its administrative function in this field through its internal structure, which comprises specialized directorates as well as the Commission — a collegial body entrusted with verifying legal conditions and formulating proposals for the resolution of citizenship applications.

The Commission is a non-legal entity with permanent activity and is composed of legal professionals whose status is assimilated to that of judges and prosecutors. Its role is to review the applications for citizenship submitted by individuals and to recommend either the approval or, where appropriate, the rejection of such applications to the President of the ANC. The Commission's sessions are conducted in the presence of at least three members and are chaired by a designated president. From a more pragmatic organizational standpoint, this Commission should ideally function within the Authority as a dedicated directorate or, where appropriate, a general directorate — the "Citizenship Commission Directorate" — tasked exclusively with managing and resolving citizenship files.

4. Preliminary Context

The adoption of Law No. 14/2025 took place within a normative and institutional context marked by the need to modernize the legal regime of Romanian citizenship, by strengthening security guarantees, digitizing procedures, and adapting administrative

instruments to current requirements of efficiency, transparency, and oversight. At the European and international levels, pressures generated by phenomena such as migration, cross-border mobility, and the increasing global security demands have led to a reconsideration of the citizenship frameworks in several Member States.

In Romania's case, the primary impetus for legislative reform was the set of international commitments undertaken by the state, particularly the country's efforts to join the United States Visa Waiver Program. This process entails compliance with stringent conditions concerning the verification of applicants' identities and the security of all administrative procedures conducted by the National Authority for Citizenship (ANC).

Furthermore, the application of Law No. 21/1991 revealed certain shortcomings within the administrative process, including the lack of predictability regarding the timeframes for resolving applications and difficulties in verifying civil status documents submitted by applicants. These deficiencies were compounded by the high volume of reacquisition requests and the absence of an integrated mechanism to enable efficient, secure, and predictable management of the process.

In this context, Law No. 14/2025 was conceived as an instrument designed to supplement and modernize the provisions of Law No. 21/1991 — without replacing them — with the aim of consolidating the legal framework governing Romanian citizenship. The amendments focus primarily on enhancing the security of citizenship acquisition procedures, implementing a unified electronic record-keeping system, clarifying certain administrative procedures, and introducing additional measures to ensure institutional transparency.

5. Analysis of Decision No. 558 of 29 October 2024 of the Constitutional Court of Romania Concerning the Unconstitutionality of the Amendments to Romanian Citizenship Law No. 21/1991

On 29 October 2024, the Constitutional Court of Romania delivered Decision No. 558, ruling on the objection of unconstitutionality raised against the provisions of Article I points 3, 4, 7, 8, 9, 15, 16, 17, 21, 27, and 41 of the Law amending and supplementing Romanian Citizenship Law No. 21/1991. The challenged provisions mainly concern the legal conditions for the acquisition and reacquisition of Romanian citizenship, the extended competences of the Commission, and the introduction of additional criteria for assessing applications.

In the reasoning of the objection, it was argued that the new provisions violate Article 1 paragraphs (3) and (5) of the Constitution — relating to the rule of law and the principle of legality — by introducing vague terms lacking in clarity and predictability, which leave the authorities with an excessive margin of discretion. Furthermore, the general and uncorrelated nature of the expressions used was alleged to be likely to generate arbitrary or unequal application of the law.

In examining the criticisms raised, the Court reaffirmed — in line with its established jurisprudence — that the regulation of citizenship falls within the margin of appreciation of the state, by virtue of its sovereignty. However, the exercise of this prerogative must comply with constitutional requirements relating to the clarity, predictability, and

accessibility of legal norms, and must be accompanied by effective judicial oversight to prevent potential abuses or arbitrary application of the law. Regarding the conditions imposed for acquiring citizenship, the Court held that these do not confer a guaranteed right to citizenship, but merely a legal entitlement, which may be realized only upon the cumulative fulfillment of the statutory requirements.

As for the criticism concerning the lack of predictability in the contested formulations, the Court found that expressions such as “doubts regarding the authenticity of documents” or “imperative reasons of public interest” are sufficiently well defined from a legal standpoint, provided that their interpretation and application are supported by clear, accessible, and reviewable reasoning by the administrative courts. The existence of a judicial procedure before the courts — namely, the possibility of initiating administrative litigation against the order rejecting a citizenship application — constitutes an essential procedural safeguard that ensures legality review of the administrative act and prevents the arbitrary exercise of authority by the competent institution.

Consequently, the Court dismissed the objection of unconstitutionality, holding that the contested provisions comply with the relevant constitutional requirements. Beyond the normative validation, Decision No. 558/2024 acquires interpretative significance by establishing guiding principles for the balanced and predictable application of the new legal framework, in accordance with fundamental rights and the principles of the rule of law. Although the legal regime of citizenship falls within the state’s margin of appreciation, it must be governed by transparent, objective criteria, subject to judicial scrutiny, within a coherent constitutional framework compatible with democratic values.

6. Novel Elements Introduced by Law No. 14/2025

6.1. Introduction

Law No. 14/2025 introduces a comprehensive reform of Romanian Citizenship Law No. 21/1991, representing a legislative act of institutional modernization, enhancement of administrative oversight, and alignment with current security requirements. The law enacts amendments and additions concerning the procedures for the acquisition, reacquisition, loss, and renunciation of Romanian citizenship, as well as the administrative mechanisms involved, with a particular focus on digitalization, traceability, and the security of documents.

6.2. Conditions for the granting and withdrawal of citizenship

Article 8(1) of Law No. 21/1991, as amended by Law No. 14/2025, provides that Romanian citizenship may be granted, upon request, to stateless persons or foreign nationals who cumulatively meet a set of conditions. These include: having lawful residence on Romanian territory for a specified period, demonstrating loyalty to the Romanian state, full legal capacity, possession of sufficient means to ensure a decent

standard of living in Romania, irreproachable conduct, knowledge of the Romanian language and certain elements of national culture, as well as adherence to constitutional values.

Law No. 14/2025 supplements Article 8 of the Romanian Citizenship Law by introducing two new paragraphs that regulate the possibility of reducing the required legal residence period for granting Romanian citizenship. The first of these allows for a reduction in the length of residence — usually set at eight years, or five years for spouses of Romanian citizens — by up to three years in favour of certain categories of persons with a relevant pre-existing connection to the Romanian state. This includes, on one hand, nationals of European Union Member States, of the European Economic Area, and of the Swiss Confederation, and on the other hand, individuals born on Romanian territory where at least one parent held lawful residence in Romania at the time of birth. These provisions establish an exceptional regime, subject to strict interpretation and limited application, contingent upon the cumulative fulfilment of all other legal requirements. The second new paragraph targets, in particular, individuals who have acquired refugee status. For these applicants, the law also allows a reduction in the residence period, provided they demonstrate substantial efforts toward integration into Romanian society, whether through professional, educational, or civic engagement. Among the specific amendments is also the elimination of the provision allowing a reduction in the residence period for applicants who had invested over €1,000,000 in Romania — a benefit that, in practice, had very limited applicability.

Another noteworthy novelty concerns the requirement of Romanian language proficiency for the reacquisition of citizenship — particularly for individuals from the former Soviet space — at a level no lower than B1, in accordance with the Common European Framework of Reference for Languages (CEFR). Exempt from this requirement are applicants who, at the time of submitting their application, are over the age of 65 and are requesting the reacquisition of Romanian citizenship.

One of the main legislative innovations is the introduction of biometric verification in the procedures for the acquisition and reacquisition of Romanian citizenship. These measures have been operational since 25 July 2024, pursuant to Emergency Ordinance No. 100/2024. Applicants are required to submit biometric data (photograph and digital fingerprints) both at the time of filing the application and at the oath-taking ceremony, as well as later, when requesting identity or travel documents. This data will be stored on an electronic citizenship card, which replaces the former printed citizenship certificate and includes a secure data storage medium. The new card constitutes proof of Romanian citizenship for individuals who do not yet hold a Romanian identity card or passport.

About the procedure for the withdrawal of citizenship, the law expands the legal grounds to include involvement in terrorist activities, connections to entities that pose a threat to national security, or acquisition of citizenship through fraudulent means (e.g., providing false information, omission of relevant facts, etc.). Jurisdiction for appeals against the withdrawal order lies exclusively with the Bucharest Court of Appeal, with the aim of ensuring a uniform body of jurisprudence.

6.3. Procedural aspects concerning the resolution of citizenship applications

The law expands the responsibilities of the Commission beyond the mere formal verification of the submitted documentation, by establishing the obligation to effectively assess the applicant's degree of social integration. Moreover, pursuant to the amendments introduced under Article 12(3), the Commission is required to decide on citizenship files with a reasoned resolution, based on the submitted documents and any additional verifications. If there are doubts regarding the fulfilment of any of the legal requirements, the application shall be rejected. This provision enshrines the rule that the burden of proof lies entirely with the applicant, and any uncertainty or reasonable suspicion concerning the authenticity of the submitted documents leads to the rejection of the application. At the same time, the Commission plays an active role in examining the file and assessing the applicant's conduct. As regards the documents submitted in support of the application, Article 16(6) of the law expressly provides that the Commission may order supplementary verifications whenever there are doubts regarding the authenticity of the documents. Although the legislator does not define the notion of "doubt," it may be interpreted as any contradiction, lack of coherence, reasonable suspicion, or inconsistency between the data contained in a document.

A notable novelty introduced by Law No. 14/2025 is the possibility of prioritizing the examination of applications for the granting or reacquisition of Romanian citizenship, irrespective of their chronological registration order, in cases justified by imperative reasons of public interest. According to Article 19¹(4)(b), such applications may be processed with celerity, with the approval of the President of the ANC, provided that the exceptional nature of the invoked situation is duly substantiated.

To reduce the incidence of criminal activities related to the falsification of civil status documents submitted by citizenship applicants, new rules have been introduced regarding foreign-issued civil status documents that may be considered by the Commission. Only original or multilingual extracts issued no more than two years prior to the date of application shall be accepted. The Commission may request the original versions of any supporting documents and may initiate their verification with the competent authorities in the issuing states.

The process of acquiring citizenship is concluded on the date the oath of allegiance to Romania is taken, in accordance with Article 20(1) of Law No. 21/1991. Law No. 14/2025 does not alter this procedural moment but expressly introduces a one-year time limit from the communication of the granting order for the applicant to take the oath (Article 20(2)).

The law also reaffirms that the acquisition of citizenship does not constitute a subjective right, and applications submitted by foreign nationals must be subject to rigorous scrutiny. Approval of the application is conditional upon the certainty that all legal requirements have been met. The Commission has the authority to summon the applicant for a hearing, to clarify specific aspects of the documentation attached to their citizenship application. Unjustified failure may lead to the rejection of the application. Additionally, the timeframe for resolving citizenship applications has been extended from five months to a maximum of two years and six months, precisely to allow for the

completion of all necessary administrative verifications.

Finally, the law institutionalizes the digitalization of administrative correspondence in all procedures conducted by the ANC. All communications may now be transmitted electronically, and recipients are under an obligation to respond in a timely manner. Otherwise, the application shall be dismissed as unsupported, without any possibility of extending the procedure.

6.4. Challenges posed by the new citizenship Law

One possible challenge associated with the implementation of the new Law No. 14/2025 concerns potential objections to unconstitutionality that may be raised with respect to certain provisions introduced by this legislative act. Article 15(10) warrants scrutiny, as it stipulates that the report verifying the fulfilment of legal requirements for the granting of Romanian citizenship must be drafted within a maximum period of two years from the date the application is registered with the technical secretariat of the Citizenship Commission.

This provision may give rise to practical debates regarding the potential retroactive application of the mentioned timeframe, especially in relation to citizenship applications already pending at the time of the law's entry into force. However, in a strict interpretation of constitutional law principles and the case law of the Constitutional Court, it may be argued that the norm established under Article 15(10) constitutes a procedural time limit of a recommendatory nature rather than a substantive peremptory deadline.

Accordingly, pursuant to the principle of the immediate applicability of procedural rules, the newly introduced provision also applies to ongoing applications, without being characterized as retroactive. Such an interpretation is consistent with Decision No. 9 of 7 March 1994 of the Constitutional Court, which has consistently held that procedural rules, by their very nature, apply immediately, including to pending cases, as they do not affect already acquired subjective rights but merely regulate the modalities of exercising those rights.

7. Administrative Dysfunctions and Structural Deficiencies in the Activity of the Commission

According to publicly available data regarding the functioning of the Citizenship Commission within the ANC, there is an enormous backlog of approximately 190,000 unresolved cases, indicating a low level of efficiency in its core activity—namely, the adjudication of citizenship applications. The Commission's current pace of work results in considerable delays, often exceeding three years for applications submitted under Article 11, and over two years for those filed under Article 10 of Law No. 21/1991.

The identified shortcomings are not limited to procedural duration. There are significant failures in the management of internal records, as neither the President of the Commission nor the Technical Secretariat Service (the so-called "Registry" of the Commission) has access to a functional system capable of accurately tracking the activity

of individual Commission members or the status of allocated files. The allocation of cases is often arbitrary, lacking objective criteria, and appears to be influenced by discretionary or contextual considerations, in the absence of a transparent and predictable methodology.

Moreover, there is a lack of clarity regarding the organization of judging panels. Although more than 500 panels are formally operational within the Commission, there is no clear record of their composition, and the distribution of cases among them is highly uneven. The criteria for file distribution are not clearly regulated, and the timeframes for resolution vary considerably, influenced by non-uniform and unpredictable administrative practices.

The effects of these deficiencies are reflected not only in the volume of unresolved cases but also in the significant amounts paid by the ANC in court-ordered legal costs, because of administrative litigation initiated by applicants dissatisfied with the delays in resolving their applications. The phenomenon of litigation based on “refusal to resolve the application” has grown substantially, with the ANC having lost most of these cases over several years. The courts have consistently sanctioned the lack of procedural transparency, the absence of clear planning regarding deadlines, and the failure to establish a predictable framework for administrative procedures. A distinct issue concerns older cases involving applicants from countries such as Russia or Belarus, where verification of the authenticity of documents included in the files cannot be carried out. In the absence of proactive measures from the President of the Commission, these files have remained inactive, with no steps taken to accelerate the resolution process. As regards the chronological order for resolving applications, it should be noted that although this order is followed at the stage of file allocation to panels, it cannot be rigidly and absolutely imposed for the actual adjudication, as the mathematical synchronization between the allocation flow and the decision-making flow is, in practice, unachievable.

Finally, the organizational difficulties are compounded by the inefficiency of the Commission’s functioning in plenary sessions, a mode which does not allow for thorough analysis of each file without causing significant delays. Although the establishment of specialized panels was intended to streamline activity, this measure has proved ineffective, particularly because the President of the Commission—who chairs each panel—does not objectively have the time necessary to review such many cases. Nonetheless, the new regulation under Article 14(4) now provides that the President of the Commission may be replaced by other members of the Commission, designated by order of the Minister of Justice.

8. Conclusions

The reform introduced by Law No. 14/2025 to Romanian Citizenship Law No. 21/1991 marks a moment of recalibration in the legal regime governing citizenship, through the consolidation of legal requirements, the standardization of procedures, and the introduction of administrative mechanisms designed to ensure transparency, predictability, and legal certainty across all procedures carried out by the ANC. The new

provisions reflect a dual imperative: on the one hand, the affirmation of a modern vision of citizenship, focused on loyalty to the Romanian state, integration, and adherence to constitutional values; on the other hand, the necessity of aligning the domestic normative framework with the demands related to the strengthening of cross-border security, compliance with European standards on administrative cooperation, and the implementation of rigorous digital security procedures within the citizenship acquisition process.

From the perspective of this latter process, the law establishes a more stringent framework for verifying applicants' identities and the authenticity of supporting documents, extends the competences of the Commission, and clarifies the preliminary stages prior to the issuance of the granting order, as well as the legal effects of failing to fulfil essential obligations—such as taking the oath of allegiance to Romania. At the same time, particular emphasis is placed on respecting reasonable timeframes, ensuring consistency in decision-making, and introducing clear benchmarks for the allocation and resolution of applications.

Nevertheless, despite these normative advances, institutional challenges persist in the actual administrative capacity to implement the provisions of the new law in a uniform and efficient manner. The absence of an automated, digital, and cyclical case-allocation system—like that implemented in the judiciary—as well as the lack of a real-time monitoring mechanism for the status of pending citizenship applications, generates significant delays and dissatisfaction among applicants, contributing to inconsistent practices within the Citizenship Commission.

The extremely high volume of pending citizenship files, which continue to accumulate steadily, the extended waiting times for their resolution (in many cases exceeding four years), and the lack of digital tools to streamline the ANC's operations remain sensitive issues and administrative challenges for this crucial gateway to Romanian identity. One must not overlook the fact that naturalisation—the conferral of citizenship by another state—represents the final stage in the migration process and entails the most profound expression of state sovereignty.

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