

## Foreigners in the Republic of Bulgaria Act

Promulgated, State Gazette No. 153/23.12.1998, amended, SG No. 70/6.08.1999 effective 1.01.2000, amended and supplemented, SG No. 42/27.04.2001, effective 27.04.2001, SG No. 112/29.12.2001, effective 1.01.2002, amended, SG No. 45/30.04.2002, effective 30.04.2002, SG No. 54/31.05.2002, effective 1.12.2002, amended and supplemented, SG No. 37/22.04.2003, SG No. 103/25.11.2003, effective 26.02.2004, amended, SG No. 37/4.05.2004, effective 4.08.2004, SG No. 70/10.08.2004, effective 1.01.2005, amended and supplemented, SG No. 11/1.02.2005, SG No. 63/2.08.2005, amended, SG No. 88/4.11.2005, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 82/10.10.2006, SG No. 11/2.02.2007 amended and supplemented, SG No. 29/6.04.2007, SG No. 52/29.06.2007 supplemented, SG No. 63/3.08.2007, amended and supplemented, SG No. 109/20.12.2007, effective 1.01.2008, supplemented, SG No. 13/8.02.2008, effective 8.02.2008, amended, SG No. 26/7.03.2008, supplemented, SG No. 28/14.03.2008 amended, SG No. 69/5.08.2008, SG No. 12/13.02.2009, effective 1.01.2010 - amended, SG No. 32/28.04.2009, amended and supplemented, SG No. 36/15.05.2009 amended, SG No. 74/15.09.2009, effective 15.09.2009, SG No. 82/16.10.2009, SG No. 93/24.11.2009, effective 25.12.2009, amended and supplemented, SG No. 103/29.12.2009, supplemented, SG No. 73/2010, effective 17.09.2010, amended and supplemented, SG No. 9/28.01.2011, SG No. 43/7.06.2011, effective 15.06.2011, SG No. 21/13.03.2012, amended, SG No. 44/12.06.2012, effective 1.07.2012, amended and supplemented, SG No. 16/19.02.2013, SG No. 23/8.03.2013, amended, SG No. 52/14.06.2013, effective 14.06.2013, SG No. 68/2.08.2013, effective 2.08.2013, amended and supplemented, SG No. 70/9.08.2013, SG No. 108/17.12.2013, amended SG No. 53/27.06.2014, amended and supplemented, SG No. 14/20.02.2015, amended SG No. 79/13.10.2015, effective 1.08.2016, amended and supplemented, SG No. 80/16.10.2015, effective 16.10.2015, amended, SG No. 15/23.02.2016, amended and supplemented, SG No. 33/26.04.2016, effective 21.05.2016, SG No. 97/6.12.2016, SG No. 101/20.12.2016, effective 20.12.2016, supplemented, SG No. 103/27.12.2016, amended and supplemented, SG No. 97/5.12.2017, supplemented, SG No. 14/13.02.2018, amended and supplemented, SG No. 24/16.03.2018, effective 23.05.2018, amended, SG No. 56/6.07.2018, SG No. 77/18.09.2018, effective 1.01.2019, SG No. 1/3.01.2019, SG No. 24/22.03.2019, effective 1.07.2020 (\*) amended and supplemented, SG No. 34/23.04.2019, supplemented, SG No. 58/23.07.2019, amended, SG No. 101/27.12.2019, SG No. 17/25.02.2020 supplemented, SG No. 28/24.03.2020, effective 13.03.2020, amended, SG No. 44/13.05.2020, effective 14.05.2020, SG No. 60/7.07.2020, effective 1.02.2020, SG No. 89/16.10.2020, amended and supplemented, SG No. 98/17.11.2020, SG No. 21/12.03.2021, amended, SG No. 22/18.03.2022, effective 18.03.2022

Text in Bulgarian: Закон за чужденците в Република България

### Chapter One GENERAL PROVISIONS

#### Article 1

(Amended, SG No. 29/2007)▫

(1) This Act shall establish the terms and the procedure according to which foreigners may enter, reside in and leave the Republic of Bulgaria, as well as the rights and obligations thereof.

(2) This act shall apply also in respect of members of the families of Bulgarian citizens who are not citizens of European Union Member States or of a state - party to the European Economic Area Agreement, or of the Swiss Confederation.

(3) (Supplemented, SG No. 97/2016, amended, SG No. 34/2019) The terms and procedures under which the citizens of other European Union Member States and the members of their families as well as citizens of European Union Member States or of a state party to the European Economic Area Agreement, and of the Swiss Confederation and the members of their families shall enter, reside in and leave the Republic of Bulgaria shall be specified in Act on the Entry and Residence in and Departure from the Republic of Bulgaria of European Union Citizens and Members of their Families.

## **Article 2**

(Amended, SG No. 42/2001, SG No. 29/2007)

(1) (Amended, SG No. 36/2009) A foreigner, within the meaning given by this Act, shall be any person who is not a Bulgarian citizen.

(2) (New, SG No. 9/2011, amended, SG No. 97/2016) A foreigner shall also be a person who is not deemed a citizen of any state in accordance with the law thereof.

(3) (New, SG No. 9/2011, amended, SG No. 97/2017) In respect of a foreigner, family members shall be the persons who live together with him/her in the same household and are:

1. spouses;

2. children of the foreigner and of his/her spouse, including adopted ones, who are aged under 18 and are not married;

3. children of the foreigner, including adopted ones, who are aged under 18 and are not married, where the parental rights are vested in the foreigner and the children are dependent on him/her;

4. children of the foreigner's spouse, including adopted ones, who are aged under 18 and are not married, where the parental rights are vested in the spouse and the children are dependent on him/her.

(4) (New, SG No. 9/2011, amended and supplemented, SG No. 23/2013) Unmarried children of the foreigner or of his/her spouse aged 18 or more shall also count as family members where serious health problems require personal care for them or for such reasons they are objectively incapable of providing for themselves.

(5) (New, SG No. 9/2011) Where the foreigner already has a spouse wherewith he/she lives in the territory of the Republic of Bulgaria, family reunification with another spouse shall not be allowed.

(6) (Renumbered from Paragraph 2, SG No. 9/2011, amended, SG No. 23/2013, supplemented, SG No. 34/2019) Within the meaning of this Act, members of the family of a Bulgarian citizen shall be the persons who live together with him/her in the same household and are:

1. spouse;

2. descendants, including when they are descendants only of the person under item 1, who have become 21 years of age and have not contracted a marriage;

3. descendants, including when they are descendants only of the person under item 1, who have become 21 years of age but have no personal income due to the fact that they are not capable to provide for themselves or because serious health problems require the Bulgarian citizen to care for them personally;

4. (amended, SG No. 9/2011, SG No. 34/2019) ascendants of the Bulgarian citizen or of the person under item 1;

5. (amended, SG No. 23/2013) other members of his/her household who have been entirely dependent on him/her in the state of origin or in the state of usual residence or serious health problems require the Bulgarian citizen to care for them personally.

## **Article 3**

(1) Foreigners in the Republic of Bulgaria shall have any and all rights and obligations under the laws of Bulgaria and all ratified international treaties to which the Republic of Bulgaria is a signatory, excepting those rights and obligations

expressly requiring Bulgarian citizenship.

(2) (Amended, SG No. 29/2007) In relation to foreigners accredited as members of foreign diplomatic and consular missions as well as of offices of international organisations in the Republic of Bulgaria enjoying immunities and privileges the universally accepted norms of international diplomatic and consular law and the international agreements to which the Republic of Bulgaria is a party shall apply.

#### **Article 4**

Foreigners staying in the Republic of Bulgaria shall be obliged to abide by the laws and the established legal order, to be loyal to the Bulgarian state and to not derogate from the prestige and dignity of the Bulgarian nation.

#### **Article 5**

(Repealed, SG No. 29/2007).□

#### **Article 6**

(Amended, SG No. 97/2016)□

Foreigners who are in a territory under sovereignty of the Republic of Bulgaria shall be liable under civil, administrative and criminal laws as the Bulgarian citizens, if not otherwise provided for by a specific law, international agreement or pursuant to the provisions of the international customary law.

#### **Article 7**

(Amended, SG No. 54/2002, SG No. 23/2013, SG No. 80/2015, effective 16.10.2015)□

The conditions and procedure to grant protection to foreigners on the territory of the Republic of Bulgaria shall be regulated by a special law.

#### **Article 7a**

(New, SG No. 97/2017, effective 6.06.2018) Unaccompanied minors shall be represented in proceedings under this Act by the Social Assistance Directorate exercising jurisdiction over the place of residence thereof.

#### **Article 7b**

(New, SG No. 34/2019)

(1) Foreign children under the age of 18 shall be granted the right of residence subject to their parents' mutual agreement. Where no mutual agreement of the parents is at hand, the dispute between them shall be resolved by the district court competent in the child's place of residence.

(2) Court proceedings as referred to in Paragraph (1) shall be initiated upon submission of an application by one of the parents. The court shall hear the other parent, unless he or she fails to appear without reasonable cause. The court may collect evidence at its own initiative as well.

(3) In the cases under Paragraph (2), for any proceedings the court shall notify the Social Assistance Directorate competent in the child's place of residence, subject to the provisions of the Code of Civil Procedure.

(4) The Social Assistance Directorate shall deliver its opinion to the court, which shall contain: an assessment of the child's desires and feelings; the child's physical, mental and emotional needs; the danger or harm which has been caused or which is likely to be caused to the child; the parents' capability to take care of the child; the consequences which will ensue for the child with a change of circumstances; other circumstances relevant to the child.

(5) The court shall issue a ruling overriding the missing consent of one of the parents or dismissing the application. The court may allow preliminary enforcement of the ruling. The court ruling shall be subject to appeal in accordance with the Code of Civil Procedure.

(6) In case right of residence proceedings have already been launched, they

shall be suspended until the court issues its final ruling on the application under Paragraph (2).

(7) After the final ruling of the court is delivered, the Migration Directorate or the Migration Department/Sectors/Groups at the Regional Directorates of the Ministry of the Interior (MoI) shall adopt a decision granting the right of residence, whereby they shall also, of their own motion, verify the rest of the documents and facts related to the child's legal status.

## **Chapter Two** **ENTRY AND AIR TRANSIT** **(Title amended, SG No. 29/2007)**

### **Article 8**

(Supplemented, SG No. 42/2001, SG No. 37/2003, amended, SG No. 88/2005 SG No. 29/2007)

(1) (Amended, SG No. 97/2016) A foreigner may enter the Republic of Bulgaria if he/she is a holder of a valid passport or a substituting travel document, as well as a visa, where such is required.

(2) (Supplemented, SG No. 9/2011) No visas shall be required where this is foreseen in Regulation (EC) No. 539/2001 of the Council, in other binding EU acts, in an international agreement whereto the Republic of Bulgaria is a party or in an act of the Council of Ministers.

(3) (Amended, SG No. 9/2011) No visa shall be required when the foreigner holds a valid prolonged-stay, long-term or permanent residence permit for the Republic of Bulgaria either.

(4) (New, SG No. 9/2011) After a family reunification application has been accepted and approved, the family members shall be issued visas in accordance with a relaxed procedure subject to terms and conditions specified in an act by the Council of Ministers.

### **Article 8a**

(New, SG No. 29/2007)

(1) A foreigner who is a member of the family of a Bulgarian citizen may enter the territory of the Republic of Bulgaria with a passport and a visa, if required. The visa shall be issued under terms and procedures specified by the Council of Ministers without paying any charges for processing the documents and issuing the visa.

(2) No visa shall be required when a foreigner who is a member of the family of a Bulgarian citizen holds a residence card of a member of the family of a European Union citizen issued in:

1. the Republic of Bulgaria if the grounds for its issuing have not become defunct;
2. another European Union Member State if he/she accompanies or joins the Bulgarian citizen.

(3) (Repealed, SG No. 97/2016).

(4) (Amended, SG No. 97/2016, SG No. 77/2018, effective 1.01.2019) Border control authorities shall not allow the entry in the territory of the Republic of Bulgaria of a person who refers to being a member of the family of a Bulgarian national, but has failed to certify this within a reasonable time with a document under paragraph 2 or another proper document. A refusal shall be motivated and appealable according to the procedure established by Article 46 herein.

### **Article 9**

(Amended, SG No. 42/2001, amended and supplemented, SG No. 37/2003 amended, SG No. 29/2007, SG No. 9/2011, SG No. 97/2016)

A visa is a permit for entry and stay or airport transit.

## Article 9a

(New, SG No. 29/2007)

(1) (Repealed, SG No. 97/2016).□

(2) The types of visas shall be:

1. air transit visa (type "A" visa);

2. (repealed, SG No. 9/2011);□

3. short-stay visa (type "C" visa);

4. long-term residence visa (type "D" visa).

(3) (Supplemented, SG No. 103/2009, repealed, SG No. 9/2011).□

(4) (Repealed, SG No. 9/2011).□

(5) (New, SG No. 103/2009, repealed, SG No. 9/2011).□

## Article 9b

(New, SG No. 29/2007)

(1) (Amended, SG No. 97/2016) A visa is issued by personalising a visa sticker as per an EU standard form.

(2) The information included in the visa sticker cannot be changed.

## Article 9c

(New, SG No. 29/2007)

(1) (Amended, SG No. 97/2016) The visa sticker shall be placed in a standard passport or a substituting travel document recognised by the Republic of Bulgaria.

(2) (Amended, SG No. 97/2016) Where a foreigner holds a passport or a substituting travel document which is not recognised by the Republic of Bulgaria the visa sticker may be placed on a uniform visa form according to a European Union standard form approved by the Council of Ministers.

(3) (Amended, SG No. 93/2009, effective 25.12.2009, supplemented, SG No 23/2013)□ The Ministry of Interior shall, in coordination with the Ministry of Foreign Affairs and the Ministry of Transport, Information Technology and Communications, maintain and update a list of travel documents issued by states, international organisations and other subjects of international public law in which a visa sticker may be placed and which entitle the foreigner to enter the territory of the Republic of Bulgaria. The conditions and procedure to coordinate the national position of the Republic of Bulgaria regarding the recognition or non-recognition of travel documents shall be regulated by an act of the Council of Ministers.

(4) (Amended, SG No. 97/2016) The conditions and procedure for printing, placing, cancelling, discarding and destroying visa stickers and visa placement forms shall be specified in an act of the Council of Ministers.

## Article 9d

(New, SG No. 29/2007, supplemented, SG No. 9/2011, amended and supplemented, SG No. 23/2013, amended, SG No. 97/2016)□

(1) The officials authorised by the relevant unit manager at the Ministry of Foreign Affairs, in the diplomatic missions and consular posts of the Republic of Bulgaria abroad and in the border control authorities may make decisions for issuance, refusal to issue, annulment and cancellation of visas, and at the services for administrative control of foreigners - for visa annulment and cancellation under the conditions and procedure set out in the ordinance under Article 9f, paragraph 1.

(2) Subject to the procedure set out in the International Treaties Act of the Republic of Bulgaria, bilateral and multilateral treaties may be entered into for representation for acceptance and processing of visa applications and personal data exchange in this relation.

(3) The Minister of Foreign Affairs or an official authorised thereby may enter into a cooperation agreement with an external contractor for representation for acceptance and processing of visa applications and processing of personal data subject to the provisions of personal data protection under the conditions and

procedure set out in the ordinance under Article 9f, paragraph 1.

(4) Diplomatic missions and consular posts may cooperate with commercial intermediaries based on accreditation to be provided under the conditions and procedure set out in the ordinance under Article 9f, paragraph 1 for acceptance and processing of visa application, with the exception of collection of biometrics.

#### **Article 9e**

(New, SG No. 29/2007, amended and supplemented, SG No. 9/2011 amended, SG No. 97/2016)

As an exception, when this is necessitated by the national interest or by Force Majeure circumstances or on humanitarian grounds, the border control authorities at the border crossing points may issue single short-stay visas with a validity and permitted term of stay up to 15 days. The State Agency for National Security shall immediately be notified of the visas issued.

#### **Article 9f**

(New, SG No. 29/2007, amended, SG No. 23/2013)

(1) (Amended, SG No. 97/2016) The conditions and procedure for issuing, refusal, annulment and revocation of visas and determining the visa regime shall be determined with an ordinance of the Council of Ministers.

(2) The conditions and procedure for coordinating visa applications shall be determined by an instruction of the Minister of Foreign Affairs, the Minister of the Interior and the Chairperson of the National Security Agency.

#### **Article 9g**

(New, SG No. 9/2011)

(1) (Amended, SG No. 97/2016, supplemented, SG No. 21/2021, effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania) To be granted a visa, the applicant shall submit a completed and signed application form enclosing thereto documents which certify the purpose of travel. The visa application may also be submitted electronically through an electronically completed application form signed by means of a qualified electronic signature. The standard visa application forms shall be set forth in the ordinance under Article 9f, paragraph 1.

(2) (Amended, SG No. 97/2016) The terms for submission of visa application forms shall be determined in the ordinance under Article 9f, paragraph 1.

(3) (Amended, SG No. 97/2016) When submitting the visa application, personal data, including biometrics, shall be collected and processed. The data collection procedure shall be set out in the ordinance under Article 9f, paragraph 1.

(4) (Supplemented, SG No. 97/2016) The following applicants shall be exempted from the obligation to provide fingerprints when submitting applications for airport transit visas and short-stay visas:

1. children aged under 12;

2. persons wherewith the taking of fingerprints is physically impossible; where fingerprint taking is possible for less than 10 fingers, the corresponding number of fingerprints shall be taken; if fingerprint taking is temporarily impossible, the applicant shall be required to have his/her fingerprints taken upon his/her next application;

3. (amended, SG No. 97/2016) heads of state or government and members of national governments and the spouses accompanying them, as well as the members of their official delegations, where they have been invited by governments of Member States or by international organisations;

4. royalty and high-standing members of a royal family, where they have been invited by governments of Member States or by international organisations for official purposes.

(5) (New, SG No. 97/2016) The following applicants shall be exempted from the obligation to provide fingerprints when submitting applications for airport transit visas and short-stay visas:

1. children aged up to 12;
2. persons wherewith the taking of fingerprints is physically impossible; where fingerprint taking is possible for less than 10 fingers, the corresponding number of fingerprints shall be taken; where fingerprint taking is temporarily impossible, the applicant shall be required to have his/her fingerprints taken upon submission of his/her next application;
3. persons appointed as heads of diplomatic missions or consular posts accredited for the Republic of Bulgaria, or heads of representations of international organisations in the territory of the country - where this is provided for in an international agreement or under the conditions of reciprocity;
4. members of diplomatic staff of diplomatic missions and of consular staff of consular posts accredited for the Republic of Bulgaria - where this is provided for in an international agreement or under the conditions of reciprocity;
5. members of staff of international organisation representations in the territory of the country, where they enjoy diplomatic immunity under an international agreement.

(6) (Renumbered from Paragraph 5, SG No. 97/2016) Apart from its use for the purpose of visa issuance by the competent authorities, the data from the visa issuance information system may also be used for the purposes of border control, administrative control of foreigners, asylum granting, as well as by the authorised competent national authorities or Member State authorities for the prevention, uncovering and investigation of terrorist acts and crimes specified in Article 36, Paragraph 1 of the Extradition and European Arrest Warrant Act. The rules of access to the data shall be set by an act by the Council of Ministers.

(7) (New, SG No. 23/2013, renumbered from Paragraph 6, amended, SG No 97/2016) The rules of operation with the visa information system shall be determined by an instruction of the Minister of Foreign Affairs.

## **Article 9h**

(New, SG No. 9/2011, amended, SG No. 23/2013, SG No. 97/2016)

(1) Where a visa applicant has failed to present a valid passport or a substituting valid travel document, or has refused to provide his/her biometrics, or the visa fee is not paid, the visa application shall be inadmissible.

(2) In the cases under paragraph 1, the diplomatic mission or consular post shall immediately return the application, the visa fee paid and the supporting documents to the application and shall destroy the biometrics collected.

(3) Prior to making any decision on a visa application, the authorised officials shall have the right to require from visa applicants additional data and documents, by which they are to prove the faithfully declared purpose of travel, and shall be obliged to make the required verifications of declared data.

(4) As an exception, where the requirements referred to in paragraph 1 are not met, the application may be regarded as admissible where there are reasons of humanitarian nature or where the national interest necessitates that.

(5) The accepted application for issuance of a visa and the documents attached thereto certifying the purpose of the travel do not give rise to an obligation to issue a visa.

## **Article 10**

(1) (Amended, SG No. 9/2011) Issuing of a visa or entry into Bulgaria shall be refused to any foreigner where:

1. (supplemented, SG No. 29/2007, amended and supplemented, SG No 97/2016) by the acts thereof, the said foreigner has jeopardised or may jeopardise the interests of the Bulgarian State, or if there is reason to believe that the said

foreigner acts against national security;

1a. (new, SG No. 101/2016, effective 20.12.2016) data are available that the said foreigner commits, incites, participates in preparing, aiding, or training for perpetration of terrorist activities, or that the purposer of his/her entry is to use the country as a transit location to a third country, on the territory of which to perpetrate these activities;

2. (supplemented, SG No. 9/2011) the said foreigner has, by his or her actions, discredited the Bulgarian State or damaged the prestige and dignity of the Bulgarian people, or his/her entry into Bulgaria might harm the relations of the Republic of Bulgaria with another state;

3. (amended, SG No. 11/2007, supplemented, SG No. 73/2010, effective 17.09.2010, SG No. 97/2016, amended, SG No. 101/2016, effective 20.12.2016) data are available that the said foreigner is a member of a criminal group or organisation, or that he or she engages or intends to engage in smuggling and illicit transactions in arms, explosives, ammunition, pyrotechnical products, strategic raw materials, dual-use items and technologies, as well as in illicit trafficking in narcotic drugs and psychotropic substances and precursors, and in raw materials for the manufacture thereof;

4. there is information that he has been engaged in trading in people, as well as in bringing persons illegally into this country and taking persons out into other countries;

5. he was expelled from the Republic of Bulgaria no less than ten (10) years before the date of visa application and failed to recover within six (6) months of expulsion the expenses incurred by the state therefor;

6. (amended, SG No. 9/2011, supplemented, SG No. 21/2021) the said foreigner has been convicted of a premeditated criminal offence committed within the territory of the Republic of Bulgaria which, according to Bulgarian law, is punishable by at least one year of imprisonment, unless the foreigner has been rehabilitated;

7. (amended, SG No. 29/2007) the said foreigner has attempted to enter or transit Bulgaria using false or forged documents, visa or residence permit;

8. he might be presumed to spread an acute communicable disease; or is afflicted with a disease which according to the criteria of the Ministry of Health or of the World Health Organisation poses a threat to public health; or is not in possession of a vaccination certificate; or is coming from an area with a complicated epidemic or epizootic situation;

9. he does not have secure means of sustenance and all the mandatory insurance policies required for the time of stay in this country, as well as adequate funds to ensure his return;

10. (amended, SG No. 97/2016) data are available that in the recent two years the said foreigner has infringed upon the border, passport-visa, currency or customs regimes of the Republic of Bulgaria;

11. he has, during a previous stay, violated the labour of tax laws of this country;

12. he is not in possession of visas or tickets for the countries next on his itinerary;

13. (amended, SG No. 97/2016) a coercive administrative measure has been imposed on the person barring him or her from entry into Bulgaria;

14. (amended, SG No. 42/2001, SG No. 9/2011) the said foreigner has been included in the database of undesirable foreigners in Bulgaria, maintained in accordance with Article 21a, Paragraph 1;

15. (new, SG No. 42/2001, repealed, SG No. 97/2016);

16. (new, SG No. 29/2007, amended, SG No. 97/2016) the said foreigner is applying for a visa with an invalid travel document or a substituting document;

17. (new, SG No. 9/2011, amended and supplemented, SG No. 97/2016) the said foreigner fails to prove the purpose and conditions of his/her intended stay;



18. (new, SG No. 9/2011, amended, SG No. 97/2016) has already been in the territory of the Republic of Bulgaria for 90 days out of the recent 180 days as a holder of a visa for a short-term stay, or under the conditions of a visa-free regime for a short-term stay;

19. (new, SG No. 9/2011, effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania – amended, SG No. 56/2018, SG No. 21/2021) the said foreigner is a person about whom a warning has been sent to the Schengen Information System regarding a refusal of entry;

20. (new, SG No. 9/2011) the said foreigner has previously resided in Bulgaria and has during such residence systematically breached public order;

21. (new, SG No. 9/2011) there is reason to believe that the said foreigner's purpose of entry is to reside in Bulgaria as an immigrant, without having a special permit for that;

22. (new, SG No. 9/2011) there is reason to believe that the said foreigner's purpose of entry is to use Bulgaria as a transit point for migration to a third country;

23. (new, SG No. 43/2011, effective 15.06.2011) the person concerned has submitted a document with incorrect contents or has declared false data;

24. (new, SG No. 23/2013, amended, SG No. 97/2016) there is reasonable doubt regarding the authenticity of the documents enclosed with the visa application, the veracity of the contents of such documents, the reliability of the statements made by the foreigner or his/her intention to leave the country within the permitted term of stay;

25. (new, SG No. 97/2016) the person is subject to an imposed enforced administrative measure under Article 41, unless voluntary return is allowed;

26. (new, SG No. 21/2021) the said foreigner has been convicted in the State of which he is a national, or in the State of his habitual residence, of an intentional crime of general nature and under Bulgarian law the same type of crime is punishable by imprisonment of at least one year, unless the person has been rehabilitated.

(2) (Amended, SG No. 9/2011) In the cases referred to in Paragraph 1 a visa may be issued or entry into the territory of the Republic of Bulgaria allowed for reasons of a humanitarian nature or where the national interest or the fulfilment of international commitments necessitates that.

(3) (New, SG No. 9/2011, effective after the entry into force of the decision of the Council of the European Union on the full application of the provisions of the Schengen acquis by the Republic of Bulgaria, repealed, SG No. 97/2016).

## **Article 10a**

(New, SG No. 97/2016)

(1) Refusals to issue a visa may be appealed against as regards their legality under the procedure of the Administrative Procedure Code.

(2) When making decisions to refuse issuing a visa, the authorised officials shall be obliged to notify in writing the visa applicant about the legal grounds and the reasoning of the decision.

(3) Reasoning for refusals to issue visas under Article 10, paragraph 1, items 1 – 3, and where disclosure of data and circumstances based on which the decision was made affect or could affect directly the foreign policy and international relations of the Republic of Bulgaria or the national security, shall be disclosed in a separate document prepared by the relevant competent authorities. Provided this document contains classified information, it shall be prepared under the terms of the Classified Information Protection Act.

(4) Refusals to issue visas under Article 9a, paragraph 2, item 4 shall not be subject to appeal through court, unless the person claims fundamental rights and freedoms under the European Convention on Human Rights have been violated.

## **Article 11**

(Supplemented, SG No. 42/2001, SG No. 37/2003, amended and supplemented, SG No. 29/2007, repealed, SG No. 9/2011).□

#### **Article 12**

(Amended and supplemented, SG No. 42/2001, amended, SG No. 29/2007)□

(1) (Amended, SG No. 97/2016) An air transit visa may be issued to a foreigner who intends to arrive by aircraft from a certain state and to stay in the international transit zone of an airport on the territory of the Republic of Bulgaria with the aim of continuing his/her travel with the first next flight to a different state.

(2) A foreigner travelling on an air transit visa shall be regarded as unadmitted to the territory of the Republic of Bulgaria.

#### **Article 13**

(Amended, SG No. 42/2001, SG No. 29/2007, repealed, SG No. 9/2011).□

#### **Article 14**

(Amended, SG No. 42/2001, SG No. 29/2007, SG No. 9/2011)□

(1) (Amended, SG No. 97/2016, SG No. 21/2021) A short-term stay visa may be issued to a foreigner who intends to pass transit through the territory of the Republic of Bulgaria or to have a short-term stay on its territory for a period up to 90 days within each period of 180 days.

(2) (Amended, SG No. 97/2016) The short-term stay visa for the purpose of transit gives to its holder the right to enter the territory of the Republic of Bulgaria and to exit it within a term of 48 hours on his/her way from one country to another, unless otherwise provided for in an international agreement or in the legislation of the European Union that are in effect and are applicable in the territory of the Republic of Bulgaria.

(3) (Repealed, SG No. 97/2016).□

(4) (Supplemented, SG No. 97/2016) A short-stay visa may be with a term of validity up to 5 years and may be issued for a single entry, two entries or multiple entries.

(5) (New, SG No. 21/2021) A short-term stay visa may be issued for multiple entries and with a term of validity up to 5 years, where the foreigner:

1. holds a valid travel document which entitles him to enter the territory of the Republic of Bulgaria, which has been issued within the last 10 years and is valid for at least three months after the planned date of departure from the territory of the Republic of Bulgaria, save under exceptional circumstances or for humanitarian reasons;

2. has substantiated the purpose and conditions of the planned stay and that he has sufficient means of subsistence both for the duration of the planned stay in the territory of the Republic of Bulgaria and for his return to the country of origin, or for transit to a third country whereto his admission is secured, or that he is able to acquire these funds by legal means.

(6) (New, SG No. 21/2021) Short-term multiple-entry visas may be issued for the following periods of validity, unless the validity of the visa exceeds the validity of the travel document:

1. up to one year, provided that the foreigner has obtained and has legally used three visas within the last two years;

2. up to two years, provided that, during the last two years, the foreigner has received and lawfully used a previous multiple-entry visa with a validity period of up to one year;

3. up to 5 years, provided that, during the last three years, the foreigner has received and lawfully used a previous multiple-entry visa with a validity period of up to two years; airport transit visas shall not be taken into consideration when issuing multiple-entry visas.

(7) (New, SG No. 21/2021) A multiple-entry visa valid for up to 5 years may

also be issued to foreigners who provide reasons for their intention to travel on a regular basis, provided that they prove their good faith and reliability and the lawful use of previous visas, their economic situation in the country of origin and their actual intention to leave the territory of the Republic of Bulgaria before the expiration of the visa they apply for.

(8) (Amended, SG No. 97/2016, renumbered from Paragraph 5, SG No 21/2021) Irrespective of the data declared in the visa application, based on the results of checks made and the assessment of the risk, the authorised officials shall have the right to set shorter terms of visa validity and length of permitted stay.

#### **Article 14a**

(New, SG No. 42/2001, repealed, SG No. 103/2009, new, SG No. 97/2017)

(1) A short-stay visa may also be issued to a foreigner who wishes to engage in seasonal work under the conditions laid down in Article 24I.

(2) In the cases referred to in Paragraph 1, it shall be noted on the visa sticker that it has been issued for the purposes of seasonal work.

#### **Article 15**

(Amended and supplemented, SG No. 42/2001, amended, SG No. 29/2007)

(1) (Supplemented, SG No. 9/2011, amended, SG No. 21/2012, SG No 97/2016) A long-term residence visa with a validity term of up to six months and entitlement to reside of up to 180 days shall be issued to a foreigner who wishes to settle on a prolonged or permanent basis in the Republic of Bulgaria.

(2) (Supplemented, SG No. 16/2013, amended, SG No. 97/2016) A long-term residence visa with a validity term up to one year and with a right of stay up to 360 days may be issued where this is provided for in the ordinance under Article 9f, paragraph 1.

(3) The long-term residence visa shall entitle the holder to multiple entries to the territory of the Republic of Bulgaria within its validity term.

(4) (Amended and supplemented, SG No. 97/2016) A long-term residence visa under paragraph 1 shall be cancelled when a residence permit is issued by the services for administrative control of foreigners, and upon issuance of a card under Article 23a - by the Ministry of Foreign Affairs.

#### **Article 16**

(Supplemented, SG No. 42/2001, SG No. 37/2003, amended, SG No. 29/2007)

(1) A foreigner may not enter and reside in the Republic of Bulgaria on the sole grounds of possessing a visa.

(2) (Amended, SG No. 9/2011) The border control authorities may not admit into the Republic of Bulgaria any foreigner in possession of a visa in the cases covered under Article 10, Paragraph 1 herein or in case of non-compliance with the requirements in Article 19.

(3) A foreigner who has been refused entry shall be given by the border control authorities a uniform form according to European Union sample in which the reasons for refusing entry to the territory of the country shall be recorded. The sample form shall be approved by the Council of ministers.

(4) The border control authorities and the services for administrative control of foreigners may cancel an issued visa, reduce the number of entries allowed and the duration of residence in case of non-compliance with the provisions herein and under a procedure determined by the Council of Ministers.

(5) (Amended, SG No. 97/2016) The Ministry of Foreign Affairs and the diplomatic missions and consular posts may cancel an issued visa, reduce the number of entries allowed and the duration of residence in case of non-compliance with the provisions hereunder and according to a procedure established in the ordinance under Article 9f, paragraph 1.

#### **Article 17**

(Supplemented, SG No. 42/2001, amended, SG No. 29/2007)□

(1) The entry of a foreigner into the Republic of Bulgaria shall be effected only through the border-crossing checkpoints determined with an act of the Council of Ministers or in an international agreement.

(2) A foreigner carrying multiple personal foreign-travel documents, or carrying such documents belonging to third persons, shall be obligated to declare the said documents to the border passport and visa control authorities.

(3) A foreigner holding multiple citizenship shall be obligated to declare to the border passport control authorities the citizenship which the said foreigner will invoke during the residence thereof in Bulgaria, and to certify this fact by a foreign-travel document issued in good and due form by the State whereof the citizenship the said foreigner has declared.

(4) A foreigner holding multiple foreign-travel documents issued in good and due form shall be obligated to leave Bulgaria on the same document on which the said foreigner entered the country.

(5) (Amended, SG No. 97/2016) The border control authorities and the services for administrative control of foreigners may take biometrics with the purpose to check the foreigner's declared identity or establish his/her actual identity.

(6) (Amended, SG No. 97/2016) Upon entry into and exit from the territory of the Republic of Bulgaria, the border control authorities shall affix a stamp in the foreigner's passport or substituting travel document.

### **Article 18**

(Amended, SG No. 42/2001, SG No. 63/2005, effective 1.01.2006)□

(1) Upon entry into the Republic of Bulgaria, a foreigner shall declare the purpose of the visit thereof and shall state in writing the residence address thereof in Bulgaria, completing a registration card in a standard form endorsed by the Minister of Interior.

(2) (Supplemented, SG No. 97/2016) Any foreigners, who are accredited as members of foreign diplomatic missions, consular posts and trade representations, as well as of representations of intergovernmental organisations in the Republic of Bulgaria, shall register at the Ministry of Foreign Affairs under conditions and according to a procedure set out in an international agreement, legal act, or act of the Council of Ministers.

(3) (Amended, SG No. 29/2007) Any foreigners, who transit the territory of the Republic of Bulgaria shall not complete registration cards.

### **Article 19**

(Amended, SG No. 29/2007)□

(1) Any foreigner who enters the Republic of Bulgaria or who transits the country, depending on the purpose of the travel, must be in possession of:

1. (amended, SG No. 97/2016) a valid passport or a substituting travel document as well as a visa if such is required;

2. sufficient financial means to ensure his/her subsistence according to the length and conditions of the residence in the Republic of Bulgaria as well as to return in the state of his/her permanent residence or to pass through the Republic of Bulgaria;

3. (supplemented, SG No. 9/2011) medical insurance and other insurances, where required;

4. sample invitation if required;

5. (supplemented, SG No. 23/2013) any other documents proving the purpose of the journey and the conditions of the planned stay.

(2) (Amended, SG No. 97/2016) The amount of finances under paragraph 1, item 2, the minimum insurance amounts and the covered insurance risks under paragraph 1, item 3, the standard invitation form and the documents under paragraph 1, item 5 shall be determined in the ordinance under Article 9f, paragraph 1.

## **Article 20**

(Amended, SG No. 42/2001, SG No. 37/2003)

(1) (Amended, SG No. 29/2007) Carriers engaged in carrying foreigners or Bulgarian citizens by road, air or water to and/or from the Republic of Bulgaria, shall, before performing the service, be obliged to have checked:

1. (amended, SG No. 97/2016) the existence and validity of the travel document and the visa, where such is required, as well as whether these contain any obvious corrections, crossings, deletions, additions etc. to the data, any traces of replacement of the photograph, and if the image on the photograph permits to establish the holder's identity;

2. the existence of visas for the state(s) the persons wish to visit or through which they wish to transit if required in the cases of air transit or transit passage through the territory of the Republic of Bulgaria.

(2) (Amended, SG No. 97/2016) In the cases where a foreigner has been refused entry into the Republic of Bulgaria, the carrier that has transported such a foreigner shall be obligated, when so requested by the border control authorities, to return any such foreigner at its own expense to the State wherefrom the said foreigner has been transported, to the State which has issued the travel document whereon the said foreigner has arrived, or to another State where the said foreigner will be allowed entry. In case the return cannot be effected immediately, any costs incidental to the stay of the foreigner shall be for the account of the carrier.

(3) The carrier shall also be under the obligation to return at its expense following the procedure set out in paragraph 2 any foreigner transiting through the Republic of Bulgaria where the subsequent carrier should refuse to transport him to the state which is the ultimate travel destination.

(4) The provisions of paragraphs 2 and 3 shall apply also with respect to any foreigner returned to the Republic of Bulgaria who has transited through the country.

## **Article 20a**

(New, SG No. 63/2007, amended, SG No. 69/2008, supplemented, SG No 23/2013, repealed, SG No. 15/2016).□

## **Article 20b**

(New, SG No. 97/2016)

If necessary and pursuant to the International Treaties of the Republic of Bulgaria Act, agreements may be entered into with the competent authorities of other countries for sending and hosting experts in the security of travel documents and for conducting inspections at airports in the territories of the parties to the agreements of travel documents of international flight passengers.

## **Article 20c**

(New, SG No. 103/2016)

(1) The border control authorities and the foreigners administrative control services shall have the right to interview the foreigners who have entered the territory of the Republic of Bulgaria for the purpose of implementing control activity.

(2) A memorandum shall be drawn up on the interview.

(3) An interview may be conducted by other organs as well under the procedure provided for in the act.

## **Article 21**

(1) A foreigner entering, staying in, or transiting this country by vehicle, either by land, or by air, or by water, must be in possession of:

1. a transit permit for the vehicle when such permit is required under the laws of Bulgaria and the international treaties whereto the Republic of Bulgaria is a signatory;

2. documents evidencing the vehicle's registration;

3. documents evidencing the title to the vehicle if it is not evidenced by the

documents referred to in subparagraph 2 above;

4. mandatory insurance;

5. operator's licence.

(2) No vehicle shall be admitted into this country unless all requirements set forth in paragraph (1), subparagraphs 1, 4 and 5 above have been fulfilled.

(3) (Supplemented, SG No. 42/2001, amended, SG No. 29/2007) The border control authorities shall impound the means of transport and the documents in case the grounds referred to in Items 2 and 3 of Paragraph (1) exist, and a written statement shall be drawn up on the said impoundment and a copy of the said statement shall be served on the foreigner. The written statement and the documents shall be transmitted to the competent customs authorities.

(4) A foreigner in possession of valid documents allowing him to enter this country, but not in possession of valid papers for the vehicle as specified in paragraph (1) above, shall be admitted into the country.

#### **Article 21a**

(New, SG No. 42/2001)

(1) (Supplemented, SG No. 109/2007, amended, SG No. 9/2011) (1) The Minister of Interior, the Minister of Foreign Affairs, the Chairperson of the State Agency for National Security, or officials authorised thereby may periodically include foreigners in the data base of undesirable foreigners in Bulgaria, if the grounds under Article 10, Paragraph 1 herein exist.

(2) (Supplemented, SG No. 109/2007) The terms and procedure for maintaining and updating the data base under paragraph (1) shall be established by the Minister of Interior, the Chairperson of the State Agency for National Security and by the Minister of Foreign Affairs.

### **Chapter Two "a"**

**(New, SG No. 97/2016)**

## **GRANTING STATUS OF A STATELESS PERSON IN THE REPUBLIC OF BULGARIA**

#### **Article 21b**

(New, SG No. 97/2016)

(1) A status of a stateless person may be granted to a foreigner who is not deemed a citizen of any state in accordance with the law thereof.

(2) The procedure of granting the status of a stateless person shall be set out in this Act and in the Rules for its implementation.

#### **Article 21c**

(New, SG No. 97/2016)

(1) The proceedings for granting the status of a stateless person shall be launched with an application in writing submitted in person at the Migration Directorate or at the Migration sector/group at the Capital City Internal Affairs Directorate and the district directorates of the Ministry of Interior.

(2) An application of a minor shall be submitted by its parents or guardians. The application shall be submitted by only one of the parents where the other one has been deprived of rights of custody.

(3) The application of an underage person shall be submitted in the presence of his/her parents or custodians, who shall declare their consent by signing the application. The consent may be declared by only one of the parents where the other one has been deprived of rights of custody.

(4) In the absence of a parent, guardian or custodian, the application shall be submitted according to a procedure set out in the Rules for implementation of the Act.

(5) An application of unaccompanied minors and underage persons may also

be submitted by a representative of a nongovernmental organisation engaged in activities for protection of the rights of underprivileged groups or by another person determined as his/her representative under an act.

(6) At the time of submission the applicant shall be notified of his/her rights and obligations in relation to the proceedings under this chapter, as well as of the consequences of failure to meet his/her obligations.

(7) In the course of the proceedings, the applicant shall be obliged to cooperate by explaining faithfully his/her situation and to submit all evidence relevant to the consideration of his/her application available to him/her, or which there are grounds to believe are available to him/her.

#### **Article 21d**

(New, SG No. 97/2016)

(1) Having established all relevant facts and circumstances, the Director of the Migration Directorate, or an official authorised thereby shall issue a decision by which he/she shall grant or refuse the status of a stateless person in the Republic of Bulgaria.

(2) The decision under paragraph 1 shall be made after interviewing the applicant for the status of a stateless person under a procedure set out in the Rules for implementation of the Act.

(3) The decision under paragraph 1 shall be issued within 6 months from the submission of the application, and in the cases of legal or factual complexity the term may be extended by another two months.

#### **Article 21e**

(New, SG No. 97/2016, amended, SG No. 34/2019)

The Director of the Migration Directorate or an official authorised thereby shall issue a decision refusing to grant stateless person status where it is found the applicant:

1. falls within the scope of Article 1, item 2 of the Convention relating to the Status of Stateless Persons, adopted in New York on 28 September 1954 (ratified by an act - SG No. 11/2012) (SG No. 60/2012);

2. has failed to declare his/her citizenship with the purpose of obtaining the status of a stateless person;

3. has entered Bulgaria or has attempted to transit through Bulgaria either not via the established checkpoints or by using false or counterfeited documents, and does not meet the requirements to be granted stateless person status laid down in this Act or the Regulation on the Implementation of this Act;

4. resided illegally in the territory of the Republic of Bulgaria as at the date of submission of the application and does not meet the requirements to be granted stateless person status as laid down in this Act or the Regulation on the Implementation of this Act;

5. (new, SG No. 21/2021) the applicant holds a valid identity document or has held an identity document which could have been but has not been renewed;

6. (new, SG No. 21/2021) the applicant has been subject to coercive administrative measures under Article 41, Items 2, 3 and 5, Article 42 or Article 42h;

7. (new, SG No. 21/2021) one of the grounds referred to in Article 10 is in place.

#### **Article 21f**

(New, SG No. 97/2016)

The Director of Migration Directorate or a person authorised thereby shall terminate the proceedings where:

1. the applicant is dead;

2. the applicant withdraws in writing it application;

3. the applicant fails to appear for his/her interview and to provide evidence

showing there are duly justified reasons for that;

4. it is established by an official document that the data, facts or documents, based on which a status of a stateless person is applied for, are untrue;

5. the applicant fails to submit within the set time the additionally requested data and documents required for the proceedings for granting a status of a stateless person and fails to indicate duly justified reasons for that.

#### **Article 21g**

(New, SG No. 97/2016)

The decision to refuse granting a status of a stateless person and to terminate the proceedings shall be issued and shall be subject to appeal under the conditions and according to the procedure of the Administrative Procedure Code.

#### **Article 21h**

(New, SG No. 97/2016)

(1) The proceedings for granting a status of a stateless person shall be suspended where it is established the applicant has also filed an application for international protection.

(2) (Amended, SG No. 21/2021) The proceedings shall be suspended until the final ruling on the application for international protection by an effective decision.

(3) If there is a final decision on refusal, withdrawal or termination of a refugee status, or humanitarian status or for termination of international protection proceedings, the proceedings for granting a status of a stateless person may be renewed after submission of an application in writing to this effect by the applicant.

#### **Article 21i**

(New, SG No. 97/2016)

(1) A person granted a status of a stateless person in the Republic of Bulgaria and an issued permit for permanent or long-term residence in the Republic of Bulgaria shall be issued an identity document "foreign travel permit of a stateless person" with a validity term not less than three months and not more than two years.

(2) The document under paragraph 1 shall state that it is issued pursuant to the Convention of the Stateless Persons, adopted in New York on 28 September 1954. The cover page shall also contain the designation "Convention of 28 September 1954".

(3) The document under paragraph 1 may be issued to a person granted a status of a stateless person by another country, if he/she has an issued residence permit as a foreigner permanently or long-term residing in the Republic of Bulgaria and due to unsurmountable reasons, proven under a procedure, as provided for in the Rules for implementation of the Act, and he/she cannot renew his/her travel document from the country that has initially issued it.

(4) (New, SG No. 34/2019, effective 24.10.2019) A person who has been granted stateless person status in the Republic of Bulgaria but does not meet the conditions to be allowed permanent or long-term residence in the territory of the Republic of Bulgaria may be allowed prolonged residence for a period of up to one year in accordance with the procedure laid down in the Regulation on the Implementation of this Act.

#### **Article 21j**

(New, SG No. 97/2016)

(1) A status of a stateless person in the Republic of Bulgaria may be withdrawn by the Director of the Migration Directorate or an official authorised thereby where it is established by written evidence that the data, based on which the status was granted, are untrue.

(2) The decision to withdraw a status of a stateless person shall be issued and shall be subject to appeal under the conditions and according to the procedure of the Administrative Procedure Code.



## Chapter Three

### STAY OF FOREIGNERS IN THE REPUBLIC OF BULGARIA

#### Article 22

(1) Stay of foreigners in the Republic of Bulgaria shall only be admissible on the grounds of:

1. (amended, SG No. 29/2006, amended and supplemented, SG No. 97/2016) a visa under Article 9a, paragraph 2, items 3 and 4;

2. (amended and supplemented, SG No. 97/2016) international treaties or treaties of the European Union with third countries on visa-free;

3. (new, SG No. 97/2016) legislative acts of the European Union which are in effect and are applied by the Republic of Bulgaria;

4. (renumbered from item 3, SG No. 97/2016) a permission of the services charged with exercising administrative control over foreigners.

(2) (Amended, SG No. 29/2006, repealed, SG No. 23/2013).□

(3) (Repealed, SG No. 23/2013).□

(4) (New, SG No. 109/2007, amended, SG No. 97/2016, supplemented, SG No 21/2021)□ The permit referred to in Paragraph 1, Item 4 shall be issued upon a written opinion given by the State Agency for National Security. This opinion shall be mandatory for the Migration Directorate and for the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior.

#### Article 23

(Supplemented, SG No. 52/2007, amended, SG No. 9/2011).□

(1) Foreigners shall reside in the Republic of Bulgaria:

1. (amended and supplemented, SG No. 23/2013, amended, SG No. 97/2016) short-term - up to 90 days within each 180-day period from the date of entry into the country;

2. (amended, SG No. 97/2017) on a prolonged basis - with an authorised period of up to one year, except in the cases provided for by this Act;

3. on a long-term basis - where the initial period authorised is 5 years, with a possibility of renewal after the submission of an application;

4. on a permanent basis - where the period authorised is unlimited.

(2) (Supplemented, SG No. 23/2013, effective 1.05.2013) The periods referred to in Paragraph 1, items 1, 2, and 4 shall not apply to foreigners who have been granted protection under the Asylum and Refugees Act.

(3) (New, SG No. 23/2013, repealed, SG No. 97/2016).□

(4) (New, SG No. 23/2013, repealed, SG No. 97/2016).□

(5) (New, SG No. 34/2019) To obtain the right to prolonged residence, the foreigner concerned shall personally submit a standard-form application and the documents required in the Regulation on the Implementation of this Act to the Migration Directorate or the Migration Department/Sectors/Groups at the Regional Directorates of the Ministry of the Interior.

(6) (New, SG No. 34/2019) To obtain the right to permanent or long-term residence, the foreigner concerned shall personally submit a standard-form application and the documents required in the Regulation on the Implementation of this Act to the Migration Directorate or the Migration Sectors/Groups at the Regional Directorates of the Ministry of the Interior.

(7) (New, SG No. 21/2021) The Directors of the Migration Directorate, Sofia Directorate of the Interior, the Regional Directorates of the Ministry of Interior or officials authorised by them shall issue or refuse to issue a permit for long-term or short-term residence of a foreigner in the territory of the Republic of Bulgaria, unless this Act provides for otherwise.

#### Article 23a

(New, SG No. 97/2016)

(1) After registration and under the conditions and according to a procedure set out in a legal act or in an act of the Council of Ministers, the Ministry of Foreign Affairs shall issue to foreigners who are members of the staff of a diplomatic mission or consular post, or of a representation of an international organisation accredited in the Republic of Bulgaria and to members of their families:

1. a card as a member of diplomatic staff of a diplomatic mission or a representation of an international organisation accredited in the Republic of Bulgaria ("diplomatic card");

2. a card as a consular official at a consular post ("consular card");

3. a card as a member of administrative and technical staff of a diplomatic mission or a consular post, or a representation of an international organisation accredited in the Republic of Bulgaria ("administrative and technical staff card");

4. a card as a member of the servicing staff of a diplomatic mission or a consular post, or a representation of an international organisation accredited in the Republic of Bulgaria ("servicing staff card").

(2) After registration the Ministry of Foreign Affairs shall issue cards to members of the families of the persons under paragraph 1, that shall be of the same type as the one of the staff member.

(3) Unless otherwise provided for in a bilateral or multilateral international agreement, members of the families of the persons under paragraph 1 shall be persons living in one household with the staff member who are:

1. spouse or a registered partner with whom the person lives together like spouses without being married;

2. descendants, including only of the person under paragraph 1, who are under 21 years of age, are not married and are not engaged in a gainful employment;

3. descendants aged 21 - 26, including only of the person under paragraph 1, who are not married and are enrolled on a full time basis in a Bulgarian higher education establishment;

4. descendants over 21 years of age, including only of the person under paragraph 1, who earn no own income, objectively are not in a position to provide their own subsistence and due to serious health reasons the staff member has to personally take care of them;

5. ascendants of the staff member or the person under paragraph 1, who are dependant on them, and due to serious health reasons the staff member has to personally take care of them – under conditions of reciprocity.

(4) The Ministry of Foreign Affairs shall notify the Ministry of Interior, Ministry of Finance and the State Agency for National Security of the registrations made.

(5) (4) The Ministry of Foreign Affairs shall keep an electronic register of the registrations and cards issued, which shall contain:

1. the names, position and citizenship of the person to whom the document was issued;

2. the type and number of the document issued;

3. the date of issuance and validity term.

(6) The cards under paragraph 1 shall be issued with a validity equal to the term of accreditation, but not more than 5 years, and shall certify the immunities and privileges granted under international law, as well as the right of multiple entry and residence in the country, if not otherwise provided for in an international agreement in force for the Republic of Bulgaria, or does not arise from the conditions of reciprocity.

(7) The cards under paragraph 1 shall be returned upon expiry of the term of accreditation, in case of death or where the person is declared undesirable.

## Article 24

(1) (Amended, SG No. 29/2007) A long-term residence permit may be granted to foreigners who possess a visa under Article 15, paragraph 1 and:

1. (amended, SG No. 42/2001, SG No. 112/2001, supplemented, SG No 33/2016, effective 21.05.2016, amended, SG No. 21/2021, effective 1.06.2021) wish to perform work as seconded or sent for the purpose of providing services in the territory of the Republic of Bulgaria after obtaining a permit from the authorities of the Ministry of Labour and Social Policy in accordance with the Labour Migration and Labour Mobility Act;

2. (amended, SG No. 42/2001, supplemented, SG No. 37/2003, SG No. 9/2011, amended, SG No. 97/2016) engage in commercial activities in Bulgaria according to the statutory procedure and at least ten full-time employment jobs for Bulgarian citizens have been created as a result of the said activities and maintained during the period of stay, unless otherwise agreed in an international treaty which has been ratified, promulgated and entered into force for the Republic of Bulgaria, whereas the requirement shall be valid for each one partner separately; the same conditions shall apply to each manager separately;

3. (repealed, SG No. 9/2011);

4. are foreign specialists staying in this country in accordance with international agreements to which the Republic of Bulgaria is a party;

5. (amended, SG No. 29/2007, SG No. 23/2013) have grounds to be permitted permanent residence;

6. (amended, SG No. 42/2001, SG No. 97/2016, SG No. 34/2019) are representatives of a foreign company which has a trade representative office in the Republic of Bulgaria registered by the Bulgarian Chamber of Commerce and Industry following due diligence based on the submitted documentary evidence that the foreign company had been a going concern with no overdue tax liabilities for two years prior to the registration of the trade representative office as well as documentary evidence of its planned activities; a prolonged residence permit may be granted to a maximum of three representatives per foreign company; the Bulgarian Chamber of Commerce and Industry shall in due time notify the Migration Directorate in case of change in any circumstances relevant to the registration of the representative office;

7. (supplemented, SG No. 37/2003, amended, SG No. 97/2016) are financially secure parents of Bulgarian citizens or of a foreigner holder of a permanent residence permit where the documents certifying family relations that are issued abroad have been recognised or admitted for execution and have been registered pursuant to the Bulgarian law;

8. (amended, SG No. 70/2004, SG No. 97/2016) have been admitted for long-term medical treatment at a medical establishment, have available sufficient finances for treatment and support, so that they are not an encumbrance on the social security systems, and their health condition requires continuous care for them by qualified medical staff;

9. are foreign mass-media correspondents with accreditation to the Republic of Bulgaria;

10. (amended, SG No. 23/2013) have received the right to pension in accordance with the legislation of the Republic of Bulgaria, their country of origin or another country and possess sufficient means to subsist in Bulgaria;

11. (amended, SG No. 37/2004, repealed, SG No. 9/2011);

12. (repealed, SG No. 42/2001);

13. (amended, SG No. 42/2001, supplemented, SG No. 23/2013, amended, SG No. 97/2016, supplemented, SG No. 34/2019) are members of the family of a foreigner who has been granted a prolonged or permanent residence permit or international protection - where the documents certifying family relations and right of support have been recognised or admitted for execution pursuant to Bulgarian law;

14. (new, SG No. 42/2001, amended, SG No. 37/2003, SG No. 63/2005 effective 1.01.2006, SG No. 29/2007, SG No. 23/2013, SG No. 97/2016) are other members of the household of a foreigner under Article 23a, paragraph 3 or his/her private domestic helpers;

15. (new, SG No. 42/2001, amended, SG No. 112/2001, supplemented, SG No 33/2016, effective 21.05.2016) wish to work on a freelance basis after obtaining a permit from the authorities of the Ministry of Labour and Social Policy in accordance with Article 24a herein in accordance with the Labour Migration and Labour Mobility Act;

16. (new, SG No. 112/2001, supplemented, SG No. 109/2007, SG No. 33/2016 effective 21.05.2016) wish to perform non-profit activities after obtaining a permission from the Ministry of Justice under terms and according to a procedure established by an ordinance of the Minister of Justice in consultation with the Minister of Interior and with the Chairperson of the State Agency for National Security or have received an endorsement from the Religious Affairs Directorate of the Council of Ministers in accordance with the Religious Denominations Act, in their capacity as foreign religious officials invited by the central leaderships of the registered religious denominations;

17. (new, SG No. 29/2007, supplemented, SG No. 24/2018, effective 23.05.2018) have been granted a special protection status under Article 25 of the Combating Trafficking in Human Beings Act - under the procedure of Article 24n;

18. (new, SG No. 29/2007, amended, SG No. 9/2011, SG No. 97/2016) are members of the family of a Bulgarian citizen and the documents certifying family relations and right of support, that were issued abroad, have been recognised and registered or admitted for execution pursuant to the Bulgarian law;

19. (new, SG No. 16/2013) have invested no less than BGN 600,000 per foreigner in order to obtain title on real estate on the territory of the Republic of Bulgaria or the foreigner is the owner of over 50 percent of the capital of a Bulgarian commercial company, has invested this same amount in the capital of the company and as a result of that the company obtained title on real estate at this value in Bulgaria; on the date of the application for a long-term residence permit, the foreigner or the legal entity must have remitted the full amount and the payment must have appeared in an account in a licensed Bulgarian credit institution and if the property was acquired with loan money, the outstanding portion of the loan shall not exceed 25 percent;

20. (new, SG No. 16/2013, amended, SG No. 14/2015, SG No. 22/2022 effective 18.03.2022) have invested in an economically disadvantaged region in the meaning of the Investment Promotion Act by contributing no less than BGN 250,000 to the capital of a Bulgarian commercial company, whereas the foreigner is a partner or a shareholder with registered stock and owns at least 50 percent of the company's capital and as a result of the investment new tangible and intangible fixed assets at the value of no less than BGN 250,000 are acquired and at least 5 jobs are created for Bulgarian nationals, which must be maintained for the duration of the residence as certified by the Ministry of Innovation and Growth;

21. (new, SG No. 24/2018, effective 23.05.2018) wish to work as volunteers within the European Volunteer Service within the meaning of Article 40(2) of the Youth Act - in accordance with the procedure established by Article 24o;

22. (new, SG No. 34/2019, effective 24.10.2019) are members of the family of a foreigner who has been granted asylum, temporary protection or humanitarian status - where the documents certifying family relations and right of support have been recognised or admitted for execution pursuant to Bulgarian law.

(2) (Amended, SG No. 9/2011, amended and supplemented, SG No. 23/2013 amended, SG No. 97/2016) To obtain a prolonged-stay permit, persons shall have a residence secured, mandatory health insurance, means of subsistence sufficient not to resort to the national social assistance system and amounting to at least the minimum national monthly salary, the minimum scholarship or the minimum national pension under the laws of the Republic of Bulgaria for the period of stay. Upon submission of an application for issuance of an initial residence permit, documents shall be submitted which substantiate the visa application under Article 15, paragraph

1, and foreigners over 18 years of age, with the exception of persons having the status of stateless persons in the Republic of Bulgaria, shall also submit documents of clean record, or of criminal or police registration issued pursuant to the legislation of their country of citizenship, country of origin or of habitual residence.

(3) (New, SG No. 63/2005, amended, SG No. 9/2011, SG No. 97/2016 supplemented, SG No. 34/2019) The application for issuance of a long-term residence permit shall be considered within 14 days under conditions and according to a procedure set out in the Rules for implementation of the Act. In legally and factually complicated cases and in case additional documents and information need to be presented, such time-limit may be extended by one more month. Where the time-limit is extended, the foreigner concerned shall be notified thereof in writing, and such notification letter shall state that he or she is required to submit the required documents and information within 14 days of receiving the letter. In case the additional documents and information as required are not submitted within the specified time-limit, the prolonged residence permit proceedings shall be terminated and the application concerned shall not be subject to reconsideration.

(4) (New, SG No. 21/2012, amended, SG No. 97/2016, supplemented, SG No 97/2017) Upon submission of a prolonged-stay permit application, the persons referred to in Paragraph 1, Item 17, the descendants of the persons referred to in Paragraph 23a, Item 1 and of foreigners holding a prolonged-stay, long-term or permanent residence permit who were born in the territory of the Republic of Bulgaria, as well as family members of Bulgarian citizens who have exercised their right of free movement and hold valid residence documents as Union citizens issued by another Member State, shall be exempted from the obligation under paragraph 2, as well as from that to have a visa under Article 15, paragraph 1.

(5) (New, SG No. 23/2013, amended, SG No. 97/2016) Upon termination of a marriage due to divorce or death, the services of administrative control of foreigners may issue a one-off separate permit of prolonged stay of a foreigner who has been granted a prolonged or long-term residence permit pursuant to paragraph 1, items 13 and 18, where the family has resided uninterruptedly and legally in the territory of the Republic of Bulgaria for a period of at least two years.

(6) (New, SG No. 23/2013) Under the conditions referred to in Paragraph 5, an independent prolonged stay permit may also be issued to members of the family of a Bulgarian national under Article 2(6), items 1, 2, and 3.

(7) (New, SG No. 23/2013, amended, SG No. 97/2016) In extraordinary circumstances, members of a family of a foreigner who was granted prolonged, long-term or permanent residence and the members of the family of a Bulgarian national under Article 2, paragraph 6, items 1, 2, and 3 may be issued a one-time independent prolonged stay permit under a procedure set out in the Rules for implementation of the Act.

(8) (New, SG No. 97/2016) The accepted application for a residence permit shall not give rise to an obligation for issuance of a prolonged residence permit. The issuance of a prolonged residence permit shall be refused in the cases where the ground stated in the application is other than the ground for issuance of a long-stay visa under Article 15, paragraph 1.

(9) (New, SG No. 97/2017) In case of death of the Bulgarian citizen concerned, his/her family members' right to prolonged stay granted as provided for by Article 24m shall not be affected, provided that they have resided in the Republic of Bulgaria for at least one year prior to his/her death as members of his/her family.

(10) (New, SG No. 97/2017) In case of death of the Bulgarian citizen concerned, the right to prolonged stay granted as provided for by Article 24m to a family member exercising the parental rights and to the children thereof shall not be affected, provided that the children have been enrolled at a school within the pre-school and school education system or at a higher education establishment until the completion of their course of study or when they submit evidence of subsequent

stages of their study.

(11) (New, SG No. 97/2017) A member of the family of a Bulgarian citizen who has been granted rights as provided for by Article 24m shall retain his/her right to prolonged stay in case the marriage is terminated, provided that he/she satisfies the conditions for being an employee or a self-employed person in the Republic of Bulgaria and holds health insurance and the financial resources needed to cover the costs related to his/her residence and the residence of his/her family members without burdening the social assistance system, and provided that one of the following is true in respect of him/her:

1. the marriage lasted at least three years, of which one year in the Republic of Bulgaria;
2. he/she exercises the parental rights pursuant to a court judgement;
3. he/she was the victim of domestic violence prior to the termination of the marriage, as well as in other cases where this is justified by exceptionally difficult circumstances beyond the foreigner's will which he/she could not have foreseen or avoided;
4. he/she has the right to visit a child who is not yet of age pursuant to a court decision, provided that according to such decision the visits are to take place in the Republic of Bulgaria.

(12) (New, SG No. 97/2017) The persons referred to in Paragraphs 9 - 11 shall prove that they are employees or self-employed persons or that they are in possession of sufficient financial resources for them and their family members not to burden the social assistance system during their residence, and that they have full health insurance coverage.

(13) (New, SG No. 28/2020, effective 13.03.2020, amended, SG No. 44/2020 effective 14.05.2020, amended and supplemented, SG No. 98/2020) Any foreigner holding a prolonged residence permit for the Republic of Bulgaria the validity of which expires during declared state of emergency or within nine months of the lifting of the state of emergency may submit an application for an extension of the residence within nine months after the lifting of the state of emergency, and this time period shall not count as a discontinuation [of the period of residence] when the foreigner submits an application for long-term or permanent residence. Any prolonged-resident foreigner whose prolonged residence permit expires during the declared state of emergency or within nine months of the lifting of a declared state of emergency may enter the territory of the Republic of Bulgaria without a long-term visa under Article 15, Paragraph 1, within nine months after the lifting of the state of emergency.

#### **Article 24a**

(New, SG No. 42/2001, amended, SG No. 112/2001, supplemented, SG No 37/2003, amended and supplemented, SG No. 109/2007, amended, SG No. 33/2016 effective 21.05.2016)

(1) A long-term residence permit or a long-term visa can be issued to foreign nationals wishing to work as freelance professionals who satisfy the requirements for issuance of a permit for work as freelance professionals within the meaning of the Labour Migration and Labour Mobility Act.

(2) For issuance of the documents as per Item (1), the following documents must be submitted to the diplomatic and consular missions, respectively the offices for administrative control of foreign nationals:

1. an application in standard form;
2. permit for work as a freelance professional, issued by the authorities of the Ministry of Labour and Social Policy.

(3) No long-term visa shall be issued for purposes of freelance work to a foreigner in the cases as per Article 24 (1), Items 1 through 13 and 16 through 20.

#### **Article 24b**

(New, SG No. 63/2007, supplemented, SG No. 13/2008, amended, SG No

74/2009, effective 15.09.2009, supplemented, SG No. 21/2012, amended, SG No 68/2013, effective 2.08.2013, SG No. 24/2018, effective 23.05.2018)□

(1) A prolonged-stay permit may also be issued to foreigners in possession of visas pursuant to article 15 (1) and work as researchers under a contract for the development of a research project with a research organisation whose seat is in the Republic of Bulgaria and which is registered in the register referred to in Item 1 of Article 7b(1) of the Scientific Research Promotion Act.

(2) (Amended, SG No. 34/2019) The permit referred to in Paragraph (1) shall be issued for a period of not less than one year. Where the term of the contract for the development of a research project is shorter than one year, the permit shall be issued for the term of the contract.

(3) (Amended, SG No. 21/2021, effective 1.06.2021) To obtain the permit referred to in Paragraph (1), the concerned foreigner shall submit to the Migration Directorate or to the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior a standard application form pursuant to the Rules for implementation of this Act, enclosing thereto:

1. a copy of a regular passport or a substituting document providing the pages with the photo, the personal data, the visa under Article 15, Paragraph 1, in case such a visa is required, and the stamp indicating the last entry into the country; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

2. evidence of secured housing;

3. a compulsory medical insurance valid in the territory of the Republic of Bulgaria, in case the person is not insured under the Health Insurance Act;

4. evidence of means of subsistence that are stable, regular, foreseeable and sufficient not to resort to the national social assistance system and amounting to at least the minimum monthly salary, the minimum scholarship or the minimum national pension, for the period of stay in the territory of the Republic of Bulgaria;

5. a criminal record certificate issued by the State of which the foreigner is a national or by the State of his or her habitual residence, upon initial submission of the application;

6. a contract concluded with a research organisation in the Republic of Bulgaria.

(4) (Amended, SG No. 21/2021, effective 1.06.2021) Prior to issuing the permit referred to in Paragraph (1), the Migration Directorate or the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior shall carry out an inspection regarding the entry of the research organisation in the register under Article 7b, Paragraph 1, Item 1 of the Scientific Research Promotion Act.

(5) (Amended, SG No. 34/2019, SG No. 21/2021, effective 1.06.2021) The permit referred to in Paragraph (1) shall be issued within 30 days as of the submission of the application whereof the applicant shall be notified in writing.

(6) (Amended, SG No. 21/2021, effective 1.06.2021) A prolonged-stay permit may also be granted to members of the family of a researcher under Paragraph (1) on the grounds of Article 24, Paragraph 1, Item 13 pursuant to Item 13 of Article 24(1), for the period of validity of the researcher's permit, if such family members satisfy the requirements set out in Article 24, Paragraph 2.

(7) (Amended, SG No. 21/2021, effective 1.06.2021) A foreign national who has been accepted as a researcher in another Member State of the European Union can conduct part of his/her research in the Republic of Bulgaria for a period of up to 180 days in each 360-day period on the basis of a contract concluded with a research organisation in the first Member State.

(8) (Amended, SG No. 21/2021, effective 1.06.2021) In the cases under Paragraph (7), the receiving research organisation in the first Member State shall notify the competent authorities of the first Member State and of the Republic of Bulgaria of the planned conduct of part of the research in the territory of the Republic

of Bulgaria within the validity term of the permit issued by the first Member State.

(9) (Amended, SG No. 21/2021, effective 1.06.2021) In the cases referred to in Paragraph (7), the competent authorities of the first Member State shall notify the Republic of Bulgaria of the planned stay and shall present the following documents:

1. a valid residence permit;
2. a regular passport or a substituting document;
3. evidence of secured housing;
4. a compulsory medical insurance;
5. a criminal record certificate.

(10) (Amended, SG No. 21/2021, effective 1.06.2021) The planned stay under Paragraph (7) may take place after the expiry of the period for objection by the Migration Directorate to the first Member State, which period shall not exceed 30 days as of the receipt of the complete notification.

(11) (Amended, SG No. 21/2021, effective 1.06.2021) The documents referred to in Paragraph (9), as well as a marriage certificate or a birth certificate, along with the notification under Paragraph (8), shall be provided as regards members of the family of a foreigner who has been admitted to the Republic of Bulgaria as a researcher under Paragraph (7), in case these family members wish to accompany him/her in the territory of the Republic of Bulgaria.

(12) (Amended, SG No. 21/2021, effective 1.06.2021) A permit referred to in Paragraph (1) can also be granted to a foreign national who holds a valid residence permit issued by the first Member State and intends to conduct part of his/her research in a research organisation in the territory of the Republic of Bulgaria, and the validity term of such permit shall be longer than 180 days but not longer than two years. The Republic of Bulgaria shall notify the first Member State of its decision.

(13) (Amended, SG No. 34/2019, SG No. 21/2021, effective 1.06.2021) In the cases under Paragraph (12), the foreigner shall enclose the documents referred to in Paragraph (3), except for the visa under Article 15, Paragraph 1.

(14) (Amended, SG No. 21/2021, effective 1.06.2021) The Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior shall notify immediately the Migration Directorate and the foreigner of the prolonged residence permit granted under Paragraph (12). The Migration Directorate shall notify the foreigner and the first Member State within 30 days as of the date the application to obtain a prolonged residence permit under Paragraph (12) has been submitted.

(15) (New, SG No. 21/2021, effective 1.06.2021) A prolonged residence permit may also be granted to members of the family of a researcher under Paragraph (12), such family members holding a valid residence permit issued by the first Member State, for the period until the expiration of the researcher's permit to stay in the territory of the Republic of Bulgaria. To obtain the permit, the concerned foreigner shall submit to the Migration Directorate or to the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior a standard application form pursuant to the Rules for implementation of this Act, enclosing thereto the documents referred to in Paragraph 3, Items 1 through 5, as well as a marriage certificate or a birth certificate.

(16) (New, SG No. 21/2021, effective 1.06.2021) Simultaneous notification under Paragraph (8) and filing an application for a permit under Paragraph (12) shall not be admissible. The application referred to in Paragraph (12) may be submitted when the short-term mobility has started, but not later than 30 days before it expires.

(17) (New, SG No. 21/2021, effective 1.06.2021) Where the researcher or the members of his/her family do not satisfy or no longer satisfy the conditions for the issuance of a residence permit under Paragraphs (1), (6), (12) or (15), the Migration Directorate shall notify the first Member State that has authorised the residence, with a view to their readmission in its territory without delay and formalities. This also applies when the period of validity of the permit issued by the first Member State expires or such permit is withdrawn during the stay in the Republic of Bulgaria.



(18) (New, SG No. 21/2021, effective 1.06.2021) A prolonged residence permit for a period of up to 9 months may also be granted to a foreigner who has received such a permit under Paragraph (1) or Paragraph (12) and who, within 7 working days following the completion of a research project, has submitted an application to the Employment Agency for registration as a job seeker pursuant to the Employment Promotion Act whereof the Migration Directorate or the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior shall monitor ex officio. The application for a prolonged residence permit shall be in a standard form pursuant to the Rules for implementation of this Act and shall be submitted at least 30 days before the permitted period of residence expires.

(19) (New, SG No. 21/2021, effective 1.06.2021) Following the issuance of a prolonged residence permit under Paragraphs (1), (6), (12) and (15), there shall be issued documents in compliance with the requirements set out in Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, hereinafter referred to as "Regulation (EC) No. 1030/2002". In the cases under Paragraph (1), "a researcher" shall be marked in the "type of permit" field. In the cases under Paragraph (12), the permits shall be issued for a validity period of up to two years, while marking "a researcher – mobility" in the "type of permit" filed.

#### **Article 24c**

(New, SG No. 9/2011, amended, SG No. 24/2018, effective 23.05.2018, SG No 34/2019, supplemented, SG No. 58/2019, amended, SG No. 21/2021, effective 1.06.2021)

(1) A prolonged residence permit for a validity period of up to one year may be granted to foreigners who hold a visa under Article 15, Paragraph 1 and are enrolled as full-time students in a higher education institution in the Republic of Bulgaria.

(2) The application to obtain a permit under Paragraph (1) shall be submitted to the Migration Directorate or to a Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior in a standard form pursuant to the Rules for implementation of this Act, whereto there shall be attached:

1. a copy of a regular passport or a substituting document providing the pages with the photo, the personal data, the visa under Article 15, Paragraph 1, in case such a visa is required, and the stamp indicating the last entry into the country; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

2. evidence of secured housing;

3. a compulsory medical insurance which is valid in the territory of the Republic of Bulgaria, if the person is not insured under the Health Insurance Act, except for the case where the foreigner uses a health insurance upon enrolment in a higher education institution;

4. evidence of means of subsistence that are stable, regular, foreseeable and sufficient not to resort to the national social assistance system and amounting to at least the minimum monthly salary, the minimum scholarship or the minimum national pension, for the period of stay in the territory of the Republic of Bulgaria;

5. a criminal record certificate issued by the State of which the foreigner is a national or by the State of his or her habitual residence, upon initial submission of the application;

6. a certificate of admission to study in the Republic of Bulgaria issued by the Ministry of Education and Science, and a certificate issued by the higher education institution that the foreigner will read therein during the respective year;

7. proof of a paid fee for enrolment in the higher education institution to be presented by the person following his/her entry in the territory of the Republic of Bulgaria with a visa under Article 15, Paragraph 1.

(3) Foreigners of Bulgarian origin who have been enrolled as students in full-time education at a higher education institution in the Republic of Bulgaria and submit a document of Bulgarian origin may receive the permit referred to in Paragraph (1) without holding a visa according to Article 15, Paragraph 1. Apart from the documents referred to in Paragraph (2), the foreigner shall also enclose to the application a birth certificate or a certificate of Bulgarian origin issued by the State Agency for Bulgarians Abroad, when it is impossible to present a birth certificate. The certificate of Bulgarian origin shall be applied, in case it is impossible for the Migration Directorate or the Migration Department/Sectors/Groups at the Regional Directorates of the Ministry of Interior to attach an official reference from the information system of the State Agency for Bulgarians Abroad regarding the Bulgarian origin of the foreigner.

(4) A prolonged-stay permit for the duration of training, but not exceeding two years, can also be granted to foreign nationals who are students and who will take part of their training in the territory of the Republic of Bulgaria, hold a valid residence permit issued by another Member State of the European Union and are covered by a Union programme or a multilateral programme which envisages training in more than one Member State, or by an agreement between two or more higher educational institutions, at least one of which is Bulgarian, and have the right to enter and stay for the purpose of taking part of their training in higher educational institutions in one or several second Member States.

(5) The foreigner, in his/her capacity as a student, shall submit an application to obtain a permit under Paragraph (4) sending it electronically to the address of the Migration Directorate or to the national contact point on mobility issues, after the said foreigner has been admitted to the first Member State and, as soon as, he/she has become aware of the planned mobility to the Republic of Bulgaria. The application shall be in a standard form pursuant to the Rules for implementation of this Act, whereto the foreigner shall enclose the following documents supported by a translation in Bulgarian:

1. a document certifying that the foreigner conducts part of his/her studies in the Republic of Bulgaria within the framework of a Union programme or a multilateral programme providing for training in more than one Member State or an agreement between two or more higher education institutions, at least one of which is Bulgarian, except where, in the course of his/her studies, the foreign student is required to conduct part of his/her studies at a higher education institution situated in the territory of another Member State;

2. a document certifying that the foreigner has been admitted as a student to a higher education institution in the Republic of Bulgaria, as well as the planned duration and dates of mobility;

3. a valid residence permit issued by another Member State of the European Union whereto the foreigner is admitted as a student for the entire duration of the mobility;

4. proof of payment of a tuition fee, if required, for the respective higher education institution;

5. a copy of a regular passport or a substituting document providing the pages with the photo, the personal data and the stamp indicating the last entry into the country; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

6. evidence of secured housing;

7. a compulsory medical insurance which is valid in the territory of the Republic of Bulgaria, if the person is not insured under the Health Insurance Act, except for the case where the foreigner uses a health insurance upon enrolment in the higher education institution;

8. evidence of means of subsistence that are stable, regular, foreseeable and sufficient not to resort to the national social assistance system and amounting to at

least the minimum monthly salary, the minimum scholarship or the minimum national pension, for the period of stay in the territory of the Republic of Bulgaria;

9. a criminal record certificate issued by the State of which the foreigner is a national or by the State of his/habitual residence, upon initial submission of the application.

(6) The application referred to in Paragraph (5) shall be considered within 30 days as of its receipt. The Migration Directorate may request from the competent authorities of the first Member State the necessary information regarding the foreigner's stay on its territory. In case one of the conditions provided for in Paragraph (5) has not been met or one of the exigible documents has not been presented, the Migration Directorate may file an objection within 30 days against the student's mobility to the territory of the Republic of Bulgaria. The objection shall be in writing and shall be sent immediately to the student and to the competent authorities of the first Member State. In the latter case, the student shall not be admitted to the territory of the Republic of Bulgaria.

(7) Within 14 days after entering the territory of the Republic of Bulgaria, the foreigner referred to in Paragraph (5) shall appear before the Migration Directorate and present a document certifying that he/she has paid stamp duty for the issuance of a prolonged residence permit, and a copy of a regular passport or a substituting document thereof.

(8) A foreign national who holds a visa under Article 15, Paragraph 1 and is not covered by a programme or an agreement under Paragraph (4) may obtain a permit under Paragraph (1) for the purpose of taking part of his/her training at a higher educational institution in the Republic of Bulgaria upon submitting an application pursuant to the procedure envisaged in Paragraph (2).

(9) A permit for prolonged stay of up to one year may be granted to those foreigners who hold a visa under Article 15, Paragraph 1 and who are pupils to be instructed at the secondary educational level within a pupils exchange programme.

(10) The application to obtain a permit under Paragraph (9) shall be submitted to the Migration Directorate or to the Migration Department/Sector /Group at the Regional Directorates of the Ministry of Interior. The application shall be in a standard form pursuant to the Rules for implementation of this Act, whereto the foreigner shall enclose:

1. a copy of a regular passport or a substituting document providing the pages with the photo, the personal data, a visa under Article 15, Paragraph 1, in case such a visa is required, and the stamp indicating the last entry into the country; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

2. a certificate of admission to the territory of the country with the purpose of instruction at the secondary educational level;

3. evidence of participation in a pupils exchange programme;

4. documents issued by the organisation for pupils exchange and securing the coverage of the foreigner's expenses for subsistence, instruction, health and return;

5. documents certifying the pupil's accommodation for the entire duration of his/her stay by a family that meets the conditions set and that has been selected in accordance with the rules of the pupils exchange programme wherein he/she participates, or in a special accommodation area on the campus of the educational institution;

6. a notarised declaration of the parents', guardians' or custodians' consent.

(11) A prolonged stay permit for the duration of the internship, but not exceeding a year, may be granted to those foreigners who are trainees under Article 38a of the Labour Migration and Labour Mobility Act and who are in possession of the visa referred to in Article 15, Paragraph 1.

(12) The application to obtain a permit under Paragraph (11) shall be submitted to the Migration Directorate or to the Migration Department/Sector/Group at

the Regional Directorates of the Ministry of Interior. The application shall be in a standard form pursuant to the Rules for implementation of this Act, whereto the foreigner shall enclose:

1. a copy of a regular passport or a substituting document providing the pages with the photo, the personal data, a visa under Article 15, Paragraph 1, in case such a visa is required, and the stamp indicating the last entry into the country; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

2. evidence of secured housing;

3. a compulsory medical insurance which is valid in the territory of the Republic of Bulgaria, if the person is not insured under the Health Insurance Act, except for the case where the foreigner uses a health insurance upon enrolment in a higher education institution;

4. evidence of means of subsistence that are stable, regular, foreseeable and sufficient not to resort to the national social assistance system and amounting to at least the minimum monthly salary, the minimum scholarship or the minimum national pension, for the period of stay in the territory of the Republic of Bulgaria;

5. a criminal record certificate issued by the State of which the foreigner is a national or by the State of his or her habitual residence, upon initial submission of the application;

6. a copy of the employment contract containing information on the duration, place and conditions of the internship;

7. an internship programme certificate;

8. a certificate that the foreigner has passed or will pass a language training to acquire the necessary knowledge for the purposes of the internship;

9. a document certifying the degree of higher education obtained within the two years preceding the date of submission of the application, or that the foreigner has enrolled in an educational course leading to the acquisition of a degree of higher education.

(13) After completing his/her studies as a full-time student at a higher education institution in the Republic of Bulgaria, a foreigner who has received a permit for prolonged stay in the Republic of Bulgaria may obtain a prolonged residence permit for up to 9 months after submitting an application form pursuant to the Rules for implementation of this Act at least 30 days before the expiration of the permitted term of residence whereto he/she shall enclose the documents referred to in Paragraph 2, Items 1 - 3 and a document issued by the higher education establishment for completion of his/her education. The Migration Directorate or the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior shall check ex officio whether the foreigner has submitted an application to the Employment Agency for registration as an applicant worker under the Employment Promotion Act within 7 working days as of completing his/her studies at the higher education establishment. The permit shall be issued within 30 days as of submitting the application.

(14) In the cases under Paragraphs (1), (3), (4), (8), (9) and (11) the period of validity of the foreigner's passport or substituting document shall cover at least the requested duration of stay.

(15) The Ministry of Education and Science shall provide the Migration Directorate ex officio with a document certifying that a foreigner has been admitted to the Republic of Bulgaria with the purpose of study.

(16) Applications, save those referred to in Paragraphs (5) and (13), shall be submitted within 14 days before expiry of the permitted term of residence of the foreigner in the territory of the Republic of Bulgaria. The applications, save those referred to in Paragraphs (5) and (13), shall be considered and resolved within 14 days. In legally and factually complicated cases and in case additional documents need to be presented, this time-limit may be extended by one month whereof the

foreigner shall be notified in writing, indicating that the necessary documents and information shall be submitted within 14 days. Where the additional documents and information have not been submitted within the specified time-limit, the procedure shall be terminated and the application shall not be subject to reconsideration.

(17) The Migration Directorate and the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior shall concert each application with the State Agency for National Security, the latter sending a written statement pursuant to Article 41, Paragraph 1, Item 2 of the State Agency for National Security Act within 7 days as of the application receipt.

(18) Upon issuance of a prolonged residence permit under Paragraphs (1), (3), (4), (8), (9), (11) and (13), documents shall be issued in accordance with the requirements of Regulation (EC) No. 1030/2002. In the permits under Paragraphs (1), (3), (4) and (8), "a student" shall be entered in the "type of permit" field; in the permits under Paragraph (9), "a pupil" shall be entered in the "type of permit" field; and, in the permits under Paragraph (11), "a trainee" shall be entered in the "type of permit" field.

(19) Decisions taken on the basis of applications for residence according to the procedure laid down in this Article shall be notified in writing to foreigners pursuant to the Code of Administrative Procedure.

#### **Article 24d**

(New, SG No. 9/2011)

(1) Long-term resident status shall be granted to any foreigner who has legally and continually resided in the territory of the Republic of Bulgaria for 5 years prior to submitting the application for permission to stay on a long-term basis. After the long-term resident status is obtained, it shall be permanent, insofar as no grounds for its withdrawal under Article 40 have arisen.

(2) (Amended, SG No. 23/2013, SG No. 97/2016) The periods of stay of the persons referred to in Article 23a and of those staying exclusively on grounds of a temporary nature as employees under au pair programmes, seasonal workers, providers of cross-border services, workers or employees seconded by a service provider for the provision of cross-border services, or where their residence permit is formally restricted, shall not be taken into account in the calculation of the period of stay referred to in Paragraph 1.

(3) In the calculation of the period of stay referred to in Paragraph 1, only half of the length of foreigners' stay as university students, school students or interns on the authority of Article 24c shall be counted.

(4) (New, SG No. 23/2013, effective 1.05.2013) Long-term residence status may also be granted to a foreigner who is a beneficiary of international protection.

(5) (New, SG No. 23/2013, effective 1.05.2013) Regarding foreign nationals to whom international protection has been granted, half of the period between the date of the lodging of the application for international protection and the date of issuing of a Bulgarian identity document in accordance with the Bulgarian Identity Documents Act, or the whole of that period if it exceeds 18 months, shall be taken into account in the calculation of the period referred to in paragraph 1.

(6) (New, SG No. 23/2013, effective 1.05.2013) The fact that a foreign national was authorised to reside in another Member State on the basis of a form of protection other than international protection or has applied for authorisation to reside on that basis and is awaiting a decision on his/her status does not constitute a reason for granting long-term residence status.

(7) (New, SG No. 23/2013, effective 1.05.2013) The fact that there is a pending procedure for granting international protection does not constitute a reason for granting long-term residence status.

(8) (Renumbered from Paragraph 4, SG No. 23/2013, effective 1.05.2013) The

periods of absence from the territory of the Republic of Bulgaria shall not count as discontinuations of the period referred to in Paragraph 1 and shall be included in it, provided that they are shorter than 6 consecutive months and do not exceed a total of 10 months over the 5-year period.

(9) (Renumbered from Paragraph 5, SG No. 23/2013, effective 1.05.2013) To obtain long-term resident status, a foreigner shall furnish evidence that he/she has means of subsistence sufficient for him/her and the members of his/her family not to resort to the national social assistance system and amounting to at least the minimum national salary or the minimum national pension, and that he/she holds mandatory health insurance for the period of stay in accordance with the laws of the Republic of Bulgaria.

(10) (Renumbered from Paragraph 6, SG No. 23/2013, effective 1.05.2013, amended, SG No. 34/2019) The competent body of the Ministry of Interior shall adopt a decision on an application for long-term resident status within two months after its submission. In legally and factually complicated cases and in case additional documents need to be presented, such time-limit may be prolonged by two months.

(11) (Renumbered from Paragraph 7, SG No. 23/2013, effective 1.05.2013) When a foreigner is granted long-term resident status, he/she shall be provided with information on the rights and obligations arising from such status.

(12) (Renumbered from Paragraph 8, SG No. 23/2013, effective 1.05.2013) The procedure for consideration of the application shall be specified in the Regulation on the Implementation of this Act.

#### **Article 24e**

(New, SG No. 9/2011)

(1) A foreigner who has been granted long-term resident status shall be issued a European Union long-term residence permit. The period of validity of such permit shall be 5 years, and shall be renewable upon expiry, after an application is submitted. The expiry of the period of validity of a European Union long-term residence permit does not constitute grounds for withdrawal or loss of such status.

(2) A European Union long-term residence permit shall be issued based on a personally submitted application. The permit shall be issued in accordance with the requirements of Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals. In the "permit type" field, "EU long-term residence" shall be noted.

(3) (New, SG No. 23/2013, effective 1.05.2013) Where issuing a long-term resident's EU residence permit to a foreign national to whom international protection was granted, the international protection granted by the Republic of Bulgaria shall be indicated in that long-term resident's EU residence permit, under the heading "Remarks".

#### **Article 24f**

(New, SG No. 9/2011)

(1) Members of the family of a foreigner residing on a long-term basis may obtain prolonged-stay permits with a period of validity of one year and a renewal possibility, without the long-term resident's authorised period of stay being exceeded thereby.

(2) For family members to be issued residence permits, the requirements of Article 24, Paragraph 2 shall be satisfied.

(3) (Effective 1.06.2011 as regards the second sentence - SG No. 9/2011) After the spouse of a foreigner residing in Bulgaria and his/her children who have come of age have stayed in the territory of the Republic of Bulgaria for 5 years, and provided that they have not obtained residence permits for reasons other than family reunification, they shall have the right to obtain long-term residence permits of their own, independently of that of the foreigner residing in Bulgaria, provided that the grounds referred to in Article 24d are present. When the period of stay of the

members of the family of a holder of an EU Blue Card is calculated, the stay in different Member States may be cumulatively counted in accordance with the provisions of Article 33m, Paragraph 1.

(4) (Amended, SG No. 79/2015, effective 1.08.2016) In case of marriage dissolution, the children of a long-term resident and the other parent shall be entitled to prolonged-stay permits of their own, provided that they satisfy the requirements of Article 24, Paragraph 2, and where the children are enrolled at a school within the pre-school and school education system or at a higher education establishment, until the end of the school year or until the course of study is completed.

(5) The procedure for issuance of the permit referred to in Paragraphs 1 - 4 shall be specified in the Regulation on the Implementation of this Act.

#### **Article 24g**

(New, SG No. 9/2011)

(1) In the cases referred to in Article 40, Paragraph 1, Items 6, 9 and 11, entitlement to long-term residence in the Republic of Bulgaria may be reinstated in accordance with a simplified procedure regulated by the Regulation on the Implementation of this Act.

(2) The procedure referred to in Paragraph 1 shall only apply to the persons referred to in Article 40, Paragraph 1, Item 9 who have stayed in the second Member State for study purposes.

#### **Article 24h**

(New, SG No. 21/2012)

(1) A prolonged-stay permit may also be granted to illegally staying foreigners who are involved in pending administrative or criminal proceedings instituted under Article 227, Paragraphs 3 and 5 of the Criminal Code, until the proceedings are closed.

(2) The period of stay permitted under Paragraph (1) shall not be taken into account in the calculation of the period of stay with a view to permitting permanent or long-term residence.

#### **Article 24i**

(New, SG No. 70/2013, effective 24.12.2013, amended, SG No. 33/2016 effective 21.05.2016, supplemented, SG No. 34/2019, amended, SG No. 21/2021 effective 1.06.2021)

(1) A permit for prolonged stay and work of the "single residence and work permit" type may be granted to foreigners who meet the conditions to gain access to the labour market pursuant to Bulgarian legislation, and who are in possession of a visa under Article 15, Paragraph 1 or a residence permit issued in accordance with Regulation (EC) No. 1030/2002.

(2) The permit referred to in Paragraph (1) shall be issued for a period of three years, and where the validity term of the employment contract is less than three years, the permit shall be granted co-terminus with the validity term of the contract.

(3) The foreigner who has been granted the right to reside in the country shall not be required to be outside the territory of the Republic of Bulgaria upon initial application for a permit under Paragraph (1). Neither shall the foreigner be required to be outside the territory of the Republic of Bulgaria upon subsequent application for a permit under Paragraph (1).

(4) An application for the issuance of a permit under Paragraph (1) shall be submitted to the Migration Directorate or to the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior by the employer or a person authorised thereby, or by the foreigner in person, in case he/she holds a prolonged residence permit, the application having been signed by the employer as well. Where the foreigner holds a prolonged residence permit, the application shall be submitted within two months prior to the expiry of his/her term of residence. When submitting

the application, the applicant shall be provided with information on all documents necessary for obtaining the permit, including the applicant's rights and obligations arising thereby.

(5) The application shall be submitted in a standard form pursuant to the Rules for implementation of this Act, wherein an electronic address for correspondence shall be indicated and whereto there shall be attached:

1. a copy of a passport or a substituting document providing the pages with the foreigner's photo and personal data;

2. a criminal record certificate issued by the State of which the foreigner is a national or by the State of his or her habitual residence, upon initial submission of an application for the issuance of the permit referred to in Paragraph (1);

3. evidence of secured housing;

4. a reasoned opinion as regards the foreigner's access to the labour market, wherein the employer:

a) indicates the facts and circumstances requiring the employment of a foreign worker;

b) presents copies of announcements in the local and national mass media and the Internet;

c) gives reasons for his/her refusal to hire a Bulgarian citizen, a citizen of another Member State of the European Union, of a state party to the Agreement or the European Economic Area, or of the Swiss Confederation, or a person referred to in Article 9, Paragraph 1, Items 2 – 6 of the Labour Migration and Labour Mobility Act who meets the requirements specified in the announcement;

5. documents verifying the foreigner's education, speciality, competence, professional qualification and experience, which documents have been legalised under the applicable procedure, are accompanied by a certified translation into Bulgarian, and correspond to the requirements to hold the position indicated by the employer when announcing the vacancy according to the National Classification of Professions and Positions, 2011 – upon initial submission of the application to be granted the permit referred to in Paragraph (1);

6. a reference declaration by the employer concerning the foreigners employed under an employment contract, indicating the names according to passport, date of birth, citizenship, grounds for and term of residence;

7. a reference declaration signed by the employer and indicating the average number of employees who were employed each month for the last 12 months and who are:

a) Bulgarian citizens, citizens of a Member State of the European Union, of a state party to the Agreement on the European Economic Area, and of the Swiss Confederation, including those in possession of a long-term or permanent residence permit in the Republic of Bulgaria, and their family members;

b) foreigners who have been granted right of asylum or international protection in the Republic of Bulgaria according to the procedure envisaged in the Asylum and Refugees Act, and members of their families;

c) foreigners with respect to whom employment is provided for in accordance with an international agreement whereto the Republic of Bulgaria is a party;

d) foreigners who are family members of Bulgarian citizens;

e) foreigners who are members of the family of a national of a Member State of the European Union, of a State party to the Agreement on the European Economic Area, or of the Swiss Confederation, who, by virtue of concluded international agreements with the European Union, have the right to free movement;

8. a declaration by the employer that the working and payment conditions have been complied with and that they are not less favourable than the conditions for the Bulgarian citizens coming under the respective category of labour – upon initial submission of an application for the issuance of a permit under Paragraph (1);

9. a copy certified by the employer of a fixed-term employment contract



concluded for a position designated by a code under the National Classification of Occupations and Positions, 2011, signed by the parties and coming into effect as of the date of issuing the document for the residence of the foreign worker, and a copy of the job description when it is an integral part of the contract;

10. a document verifying fulfilment of the conditions to exercise a profession included in the List of Regulated Professions in the Republic of Bulgaria pursuant to Article 3 of the Recognition of Professional Qualifications Act;

11. a compulsory medical insurance valid in the territory of the Republic of Bulgaria for the whole duration of residence, if the foreigner is not insured under the Health Insurance Act but has been granted a prolonged residence permit;

12. other documents exigible under Bulgarian law to hold the position specified by the employer.

(6) The foreigner's professional skills and experience shall be certified by a document about the length of employment service, issued by a competent body of the relevant state, wherein the employer, the working and professional experience for the occupied position are indicated. The requirement to present the documents referred to in Paragraph 5, Items 5 and 7 shall not apply to:

1. foreigners whose employment ensues from the implementation of international agreements whereto the Republic of Bulgaria is a party;

2. guest lecturers, lecturers and teachers at Bulgarian higher and secondary schools on the basis of a decision by the academic councils of the higher schools and of the regional departments of education, respectively;

3. performers within the meaning of Article 74 of the Copyright and Neighbouring Rights Act, whose professional competence has been established and after the Ministry of Culture has confirmed its interest in hiring them;

4. athletes and coaches at sports clubs in connection with whom the Bulgarian national sports federations and unions have expressed interest in hiring them due to their special personal qualities and high degree of professional knowledge and skills.

(7) Where practicing the profession and carrying out the activities require competence recognised by a Bulgarian authority, a granted authorisation or a licence, the application referred to in Paragraph (4) shall be supported by:

1. a document issued by virtue of Article 213, Paragraph 4, Item 3 of the Pre-school and School Education Act, as regards teachers at schools;

2. a licence issued by the Executive Director of the National Revenue Agency or a deputy executive director authorised thereby, as regards gambling activities;

3. certificate by the relevant sports federation and national sports organisation that the foreigner has the status of a professional athlete according to the requirements of the international federation in the respective sport, has special personal qualities and high degree of professional skills, and there are grounds to be registered at the respective sports federation or sports club, as regards athletes and coaches;

4. a copy of the sports licence issued by the Minister of Youth and Sports, or a certificate by the respective licensed sports federation or national sports organisation, as regards athletes and coaches;

5. a document issued by the Ministry of Culture that the latter shows interest in hiring foreign performers within the meaning of Article 74 of the Copyright and Neighbouring Rights Act.

(8) In case the application referred to in Paragraph (4) has been submitted to a Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior, it, along with the documents enclosed thereto, shall be sent immediately by electronic means to the Migration Directorate and to the territorial directorates of the State Agency for National Security. Within three days after their submission, the application and the enclosed documents shall also be sent in the original. The Migration Department/Sector/Group shall conduct an examination within the time-limit specified in the second sentence, in case there is reasonable doubt that the foreigner

will not live at the address he/she has declared, and the inspection report shall be sent together with the application.

(9) The Migration Directorate shall conduct an examination of the submitted documents, and, in the event of a missing document, as well as of the need to present additional documents pursuant to Paragraphs (5) to (7), it shall notify the applicant electronically of these circumstances and shall set a 7-day term for the irregularities to be removed.

(10) If the documents have not been presented within the time-limit set in Paragraph (9), the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit under Paragraph (1).

(11) The Migration Directorate shall send electronically to the Employment Agency the applications that are still under the procedure pursuant to Paragraph (10), together with the documents enclosed thereto, within 14 days as of submitting the application, and the documents referred to in Paragraph 5, Item 5 shall also be sent in the original. Where the foreigner has been granted a prolonged-stay permit in the territory of the Republic of Bulgaria, a reference as to his/her right of residence shall be attached to the application. The applications and the enclosed documents shall also be sent electronically to the State Agency for National Security which, within 14 days, shall send a written statement under Article 41, Paragraph 1, Item 2 of the State Agency for National Security Act if the person is in the territory of the country, and, in the cases under Paragraph (15), within 10 days after presenting an opinion on the visa application referred to in Article 15, Paragraph 1.

(12) Within 15 days as of the receipt of the file under Paragraph (11), the Employment Agency shall send electronically to the Migration Directorate a written opinion by the Executive Director of the Employment Agency on the presence or lack of grounds to grant access to the labour market, and, in the event of irregularities in the documents, as well as of the need for the applicant to provide additional documents, the Employment Agency shall notify the Migration Directorate thereof, the time-limit being suspended until receiving the documents or removing the irregularities. The Migration Directorate shall notify the applicant electronically of the need to provide additional documents or to remove the irregularities, and shall set a 7-day time-limit to this end.

(13) In case the additional documents have not been submitted or the irregularities have not been removed within 7 days, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit under Paragraph (1) and shall notify the Employment Agency thereof.

(14) Where the application referred to in Paragraph (4) has been submitted by the employer or a person authorised thereby, the Migration Directorate shall send an electronic message to the employer within three days as of the receipt of the positive statements under Paragraphs (11) and (12) wherein it shall be stated that, as regards the foreigner, there are grounds for granting access to the labour market. The notification shall also be sent to the Consular Relations Directorate at the Ministry of Foreign Affairs.

(15) The employer shall notify the foreigner of the communication under Paragraph (14), and, within 20 days after sending the message referred to in Paragraph (14) to the employer, the foreigner shall take actions to submit an application for the issuance of a visa under Article 15, Paragraph 1. In the cases of refusal to issue a visa under Article 15, Paragraph 1, the Consular Relations Directorate at the Ministry of Foreign Affairs shall notify the Migration Directorate and the State Agency for National Security.

(16) Within 14 days after entering the territory of the Republic of Bulgaria with a visa under Article 15, Paragraph 1, the foreigner shall appear in person before the Migration Directorate or before the Migration Department/Sector/Group at the

Regional Directorates of the Ministry of Interior and shall attach to the application referred to in Paragraph (4) a copy of the page of his/her passport whereto the visa has been affixed, as well as a compulsory medical insurance valid in the territory of the Republic of Bulgaria for the entire duration of the stay in case the person is not insured under the Health Insurance Act. If the documents are not submitted within the term under the first sentence, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit under Paragraph (1).

(17) Within three days as of submission of the documents referred to in Paragraph (16), the Director of the Migration Directorate or an official authorised thereby shall issue or refuse to issue a permit for prolonged stay and work of the type "Single residence and work permit". After the permit has been granted, there shall be issued a document pursuant to the requirements laid down in Regulation (EC) No. 1030/2002, a "single residence and work permit" being noted in the "type of permit" field.

(18) The procedure for issuing a prolonged residence and work permit of the "single residence and work permit" type shall not exceed two months, and in legally and factually complicated cases, this period may be extended by two months. In the framework of the procedure, the applicant or a person authorised thereby may withdraw the application submitted under Paragraph (4), the latter giving grounds to terminate the procedure.

(19) The employer shall notify the Migration Directorate of any change affecting the admission criteria, which change has occurred in the course of the application procedure, and of the termination of the employment relationship with the foreigner, within three days as of the date of the change or the termination of employment.

(20) Decisions taken on the basis of the application shall be notified to the applicant pursuant to the Code of Administrative Procedure.

#### **Article 24k**

(New, SG No. 33/2016, effective 21.05.2016, supplemented, SG No. 24/2018 effective 23.05.2018, amended, SG No. 34/2019, SG No. 21/2021, effective 1.06.2021)

(1) A prolonged stay permit for the purpose of employment as a seasonal worker may be obtained by a foreigner who meets the conditions to gain access to the labour market according to Bulgarian legislation, and who holds a visa under Article 15, Paragraph 1.

(2) When applying for the permit referred to in Paragraph (1), the foreigner must reside outside the territory of the Republic of Bulgaria.

(3) The permit under Paragraph (1) shall be issued for the duration of the employment contract, but for not less than 90 days and not more than 9 months within each period of 12 months. The permit may be extended once within a period of 9 months in case of extension of the employment contract with the same employer or in case of changing the employer.

(4) In case where the term of validity of the permit as per Paragraph (1) has expired while the procedure for its extension or renewal was in progress, the foreigner shall have the right to reside in the territory of the Republic of Bulgaria until his/her application has been ruled upon, provided that the said application was submitted within the term of validity of the permit as per Paragraph (1) and the maximum time-limit as per Paragraph (3) had not expired.

(5) The permit as per Paragraph (1) can be issued by a fast-track procedure for foreigners who have at least once worked in the territory of the Republic of Bulgaria as seasonal workers during the past 5 years.

(6) The Migration Directorate or the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior shall provide information concerning all documents required to obtain a prolonged-stay permit with the purpose of

employment as seasonal workers, as well as the foreigner's rights and obligations arising under the permit.

(7) To be granted the permit under Paragraph (1), the employer, or a person authorised thereby, shall submit an application in writing to the Migration Directorate or to the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior.

(8) The application under Paragraph (7) shall be submitted in a standard form pursuant to the Rules for implementation of this Act, wherein an electronic address for correspondence shall be indicated and whereto there shall be attached:

1. a copy of a regular passport or a document substituting it providing the pages with the photo and the personal data; the passport or the substituting document thereof must have been issued in the last 10 years and their term of validity shall cover at least the period of validity of the permit referred to in Paragraph (1);

2. a declaration by the employer that the foreigner has been provided with a suitable dwelling-place meeting all requirements for safety and health until the term of the contract expires, or other evidence of secured housing;

3. documents verifying the foreigner's education, speciality, competence, professional qualification and experience, which documents have been legalised under the applicable procedure, are accompanied by a translation in Bulgarian certified by a public notary or by the Consular Relations Directorate of the Ministry of Foreign Affairs, and correspond to the requirements to hold the position specified by the employer when announcing the vacancy according to the National Classification of Professions and Positions, 2011;

4. a declaration by the employer that the working and payment conditions have been complied with and that they are not less favourable than the conditions for the Bulgarian citizens coming under the respective category of labour;

5. a copy certified by the employer of a fixed-term employment contract concluded, pursuant to Bulgarian legislation, for a position designated by a code under the National Classification of Occupations and Positions, 2011, signed by the parties and coming into effect as of the date of issuing the document for the residence of the foreign worker, and a copy of the job description when it is an integral part of the contract;

6. a document verifying fulfilment of the conditions to exercise a profession included in the List of Regulated Professions in the Republic of Bulgaria pursuant to Article 3 of the Recognition of Professional Qualifications Act;

7. a document wherefrom it is evident that the employer carries out activities in the economic sectors included in the Economic Sectors List under Article 25 of the Labour Migration and Labour Mobility Act;

8. other documents, if necessary, exigible under Bulgarian law to hold the position specified by the employer.

(9) In case the application referred to in Paragraph (7) has been submitted to a Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior, it, along with the documents enclosed thereto, shall be sent immediately by electronic means to the Migration Directorate and to the territorial directorates of the State Agency for National Security. The application and the documents attached thereto shall also be sent in the original within three days and shall be supported by a document verifying the address in case of doubt that the foreigner will not live at the indicated address.

(10) The Migration Directorate shall conduct an examination of the submitted documents, and, in the event of a missing document, as well as of the need to present additional documents pursuant to Paragraph (8), it shall notify the applicant electronically of these circumstances and shall set a 7-day time-limit for the irregularities to be removed.

(11) If the documents have not been presented within the time-limit set in

Paragraph (10), the Director of the Migration Directorate, or an official authorised thereby, shall terminate the procedure for the issuance of a permit under Paragraph (1).

(12) The Migration Directorate shall send electronically to the Employment Agency the applications referred to in Paragraph (7) that are still under the procedure, together with the documents enclosed thereto, within 14 days as of submitting the application, and the documents under Paragraph 8, Item 3 shall also be sent in the original. When applying for extension of the seasonal employment, a reference as to the foreigner's granted right of residence in the territory of the Republic of Bulgaria shall also be enclosed to the application. The application and the enclosed documents shall also be sent electronically to the State Agency for National Security which, within 14 days as of their receipt, shall send a written statement under Article 41, Paragraph 1, Item 2 of the State Agency for National Security Act if the person is in the territory of the country, and, in the cases under Paragraph (17), within 10 days after presenting an opinion on the visa application referred to in Article 15, Paragraph 1.

(13) Within 10 days as of the receipt of the application at the Employment Agency, its Executive Director shall send electronically to the Migration Directorate a written statement on the presence or lack of grounds to grant access to the labour market. In the cases referred to in Paragraph (5), there is a 5-day time-limit.

(14) Upon irregularities established in the documents, as well as in case of need for the applicant to provide additional documents, the Employment Agency shall notify the Migration Directorate by electronic means within 7 days. The time-limit referred to in Paragraph (13) shall be suspended until removal of the irregularities or receipt of the required documents.

(15) The Migration Directorate shall notify the applicant electronically of the circumstances under Paragraph (14) and shall set a 7-day time-limit for removing the irregularities or submitting the required documents. In case the irregularities have not been removed or the documents have not been presented within the time-limit set in the first sentence, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure to issue the permit referred to in Paragraph (1) and shall notify the Employment Agency thereof.

(16) The Migration Directorate shall send an electronic message to the employer within three days as of the receipt of the positive statements under Paragraphs (12) and (13) wherein it shall be stated that, as regards the foreigner, there are grounds for granting access to the labour market. The notification shall also be sent to the Consular Relations Directorate at the Ministry of Foreign Affairs.

(17) The employer shall notify the foreigner of the communication under Paragraph (16), and, within 20 days after sending the message referred to in Paragraph (16) to the employer, the foreigner shall take actions to submit an application for the issuance of a visa under Article 15, Paragraph 1. In the cases of refusal to issue a visa under Article 15, Paragraph 1, the Consular Relations Directorate at the Ministry of Foreign Affairs shall notify the Migration Directorate.

(18) Within 7 days after entering the territory of the Republic of Bulgaria with a visa under Article 15, Paragraph 1, the foreigner shall appear in person before the Migration Directorate or before the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior and shall attach to the application referred to in Paragraph (7) a copy of his/her passport containing the page where to the visa has been affixed, as well as a compulsory medical insurance valid in the territory of the Republic of Bulgaria for the entire duration of the stay in case the person is not insured under the Health Insurance Act. If the documents are not submitted within the term under the first sentence, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit under Paragraph (1).

(19) Within three days as of submitting the documents referred to in

Paragraph (18), the Director of the Migration Directorate or an official authorised thereby shall issue or refuse to issue a prolonged-stay permit for the purpose of employment as a seasonal worker.

(20) After granting a prolonged residence permit for the purpose of employment as a seasonal worker, a document shall be issued by the Migration Directorate, the Migration Department/Sectors/Groups at Sofia Directorate of the Ministry of Interior or the Regional Directorates of the Ministry of Interior in accordance with the requirements laid down in Regulation (EC) No. 1030/2002, "seasonal worker" being noted in the "type of permit" field. In case of changing the employer and after the Employment Agency has presented an opinion in compliance with the conditions provided for in Paragraphs (7) through (15), there shall be issued a new prolonged-stay permit for the purpose of employment as a seasonal worker and a document in accordance with the requirements laid down in Regulation (EC) No. 1030/2002 valid for the term of the initial permit.

(21) The employer shall notify the Migration Directorate of the termination of the employment relationship with the foreigner, within three days as of the date of terminating the employment.

(22) The procedure to issue a prolonged-stay permit for the purpose of employment as a seasonal worker shall not exceed two months.

(23) Until the end of the procedure, the employer or a person authorised thereby may withdraw the submitted application, the latter giving grounds to terminate the procedure.

(24) In case the application for the issuance of a permit under Paragraph (1) has been rejected due to employer's fault, he/she shall owe the foreigner a compensation pursuant to Bulgarian legislation.

(25) Decisions taken on the basis of the application referred to in Paragraph (7) shall be notified to the applicant pursuant to the Code of Administrative Procedure.

#### **Article 24l**

(New, SG No. 33/2016, effective 21.05.2016)

(1) (Supplemented, SG No. 97/2017) To perform seasonal work for a continuous period of up to 90 days, a foreigner should hold a valid short-stay visa issued for the purposes of seasonal work where one is required, and his/her employment must be registered with the relevant bodies of the Ministry of Labour and Social Policy in accordance with the Labour Migration and Labour Mobility Act and the Rules and Applications of its implementation.

(2) Employment registration in accordance with Paragraph (1) hereinabove shall also be carried out in cases where a foreigner is exempted from the visa requirement in accordance with Appendix II to Council Regulation (EC) No. 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

#### **Article 24m**

(New, SG No. 97/2017)

(1) A member of the family of a Bulgarian citizen who has exercised his/her right of free movement and holds a valid residence document as a member of the family of a Union citizen issued by another Member State of the European Union shall submit an application to the Migration Directorate of the Ministry of the Interior or to the regional directorates of the Ministry of the Interior for issuance of a residence card of a family member of a Union citizen evidencing his/her right to prolonged stay, and shall immediately be issued a temporary certificate thereof.

(2) The application referred to in Paragraph 1 shall be submitted within three months of the person's entry in the Republic of Bulgaria, and the following shall be enclosed therewith:

1. a valid passport;
2. documents evidencing the existence of family relations;
3. documents evidencing payment of the required statutory fee;
4. documents evidencing legal residence in the other Member State concerned;
5. medical documents evidencing the existence of serious health reasons requiring the provision of personal care by the Bulgarian citizen concerned, where applicable.

(3) The residence card of a family member of a Union citizen evidencing the right to prolonged stay shall be issued within three months of the submission of the application and shall be valid for 5 years.

(4) In case any of the documents referred to in Paragraph 2 is missing, the person concerned shall be given the opportunity to provide such document within 14 days of being notified thereof, and the time limit referred to in Paragraph 3 shall be suspended until the expiry of such 14-day period. In case the documents required are not provided within the time limit granted, the administrative body shall take the relevant steps to terminate the proceedings as provided for by the Code of Administrative Procedure.

#### **Article 24n**

(New, SG No. 24/2018, effective 23.05.2018)

(1) In the cases under Item 17 of Article 24(1), the long-term residence permit shall be issued on the grounds of the act referred to in Article 27 of the Combating Trafficking in Human Beings Act.

(2) For the duration of their stay in the country, foreigners who have received a permit under Paragraph (1) shall enjoy the rights of persons with a permanent residence permit, with the exception of the right under Article 35(2).

(3) A permit under Paragraph (1) shall not be issued to persons who do not have identity documents and refuse to cooperate for identifying their identity.

#### **Article 24o**

(New, SG No. 24/2018, effective 23.05.2018)

(1) In the cases referred to in Item 21 of Article 24(1), the long-term residence permit shall be issued in compliance with the requirements set out in Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, whereby "volunteer" shall be entered in the "type of permit" section.

(2) The validity term of the permit under Paragraph (1) shall take into account the duration of the agreement with the receiving organisation, but shall not exceed one year.

(3) (Amended, SG No. 34/2019) The Migration Directorate, the Migration Department/Sector/Group of the Capital City Internal Affairs Directorate or the relevant Regional Directorate of the Ministry of the Interior shall inform the applicant of the permit referred to in Paragraph (1) in writing no later than 14 days after the date of submission of such application.

(4) The permit referred to in Paragraph (1) shall be issued in accordance with a procedure laid down in the Regulations on the Implementation of this Act.

(5) In the cases under Paragraph (1), the period of validity of the foreigner's passport or substituting travel document shall cover at least the requested duration of stay.

#### **Article 24p**

(New, SG No. 21/2021)

(1) (Amended, SG No. 22/2022, effective 18.03.2022) A prolonged residence permit may be granted foreigners who hold a visa under Article 15, Paragraph 1, who are in possession of a certificate issued by the Ministry of Innovation and Growth for a

high-tech and/or innovative project called a "startup visa", who, after the issuance of the long-term residence visa, have become partners or shareholders in a Bulgarian company, and who own at least 50 per cent of the capital of the company whose business is the one declared at the issuance of the certificate.

(2) (Amended, SG No. 22/2022, effective 18.03.2022) The Ministry of Innovation and Growth shall immediately notify the Migration Directorate of any change in the circumstances having a bearing on the certificate for a high-tech and/or innovative project, resulting in failure to comply with the requirements for the issuance of the certificate, the latter constituting a ground for revoking the granted right of residence.

(3) The terms and conditions to issue, extend or revoke the certificate for a high-tech and/or innovative project shall be laid down in an ordinance of the Council of Ministers.

## **Article 25**

(1) (Previous text of Article 25, SG No. 36/2009) A permanent residence permit may be granted to foreigners:

1. (amended, SG No. 9/2011) of Bulgarian origin;

2. (amended, SG No. 29/2006, supplemented, SG No. 9/2011, SG No 108/2013) five years after contracting a marriage with a foreigner residing in Bulgaria on a permanent basis, provided that they have legally and continually resided in the territory of Bulgaria for 5 years, whereas residence requirements in the country do not apply in cases of marriage with a foreigner who has been granted permanent residence pursuant to items 6, 7 or 8 herein;

3. (amended, SG No. 29/2007, supplemented, SG No. 34/2019) minor or underage children of a Bulgarian citizen or of a foreigner permanently residing in Bulgaria who have not married;

4. (amended, SG No. 42/2001, amended and supplemented, SG No. 23/2013) parents of a Bulgarian citizen, where they provide the said citizen with the child support due under the law and have resided lawfully and without interruption on the territory of Bulgaria for a period of three years;

5. (amended, SG No. 29/2006, repealed, SG No. 9/2011, new, SG No. 23/2013, amended, SG No. 70/2013) who have resided lawfully and continuously within the territory of the Republic of Bulgaria for 5 years immediately prior to the submission of the permanent residence application and, for the said period, have not been away for more than 30 months, whereby only half of the periods of residence shall be taken into account in the cases referred to in Article 24c;

6. (amended, SG No. 11/2005, SG No. 36/2009, SG No. 21/2021) who have made and investment or increased their investment by the acquisition of:

a) shares or bonds of Bulgarian commercial corporations traded on a regulated market or a multilateral trading system in the Republic of Bulgaria at a market value of not less than BGN 2,000,000;

b) rights under concession contracts within the territory of the Republic of Bulgaria at a contract value of not less than BGN 1,000,000;

c) shares at a value of not less than BGN 1,000,000 in collective investment schemes originating in the Republic of Bulgaria and operating pursuant to the Collective Investment Schemes and Other Undertakings for Collective Investment Act, provided that:

aa) the net asset value of each collective investment scheme is not less than BGN 5,000,000;

bb) the collective investment scheme has received a licence or a permit granted by the Financial Supervision Commission;

cc) their investment strategy focuses mainly on investments in shares and/or bonds under Letter "a";

d) shares at a value of not less than BGN 1,000,000 in alternative investment



funds established in the Republic of Bulgaria, managed by persons who administer alternative investment funds, originating in the Republic of Bulgaria and operating under the Collective Investment Schemes and Other Undertakings for Collective Investments Act, provided that:

aa) the assets of each fund are worth not less than BGN 3,000,000;

bb) the alternative investment funds and the persons who manage alternative investment funds have been licensed or registered by the Financial Supervision Commission;

cc) their investment strategy focuses mainly on investments in Bulgarian assets and they invest only in shares, stocks and bonds of Bulgarian companies, including joint stock companies with a special investment purpose;

7. (new, SG No. 36/2009, repealed, SG No. 16/2013, new, SG No. 108/2013 amended, SG No. 21/2021, SG No. 22/2022, effective 18.03.2022) who have invested in the country by depositing an amount of not less than BGN 2,000,000 in the capital of a Bulgarian company for the purpose of a priority investment project implemented by the company and certified under the terms and conditions of the Investment Promotion Act, the latter being verified by the Ministry of Innovation and Growth;

8. (new, SG No. 36/2009) who have invested at least BGN 6,000,000 in the capital of a Bulgarian commercial corporation the shares whereof are not traded in a regulated market;

9. (new, SG No. 42/2001, renumbered from Item 7, SG No. 36/2009) who are not persons of Bulgarian descent born within the territory of the Republic of Bulgaria, have lost the Bulgarian citizenship thereof under emigration agreements or at their own will, and wish to settle lastingly within the territory of Bulgaria;

10. (new, SG No. 37/2003, renumbered from Item 8, SG No. 36/2009) who entered, resided, or were born within the territory of the Republic of Bulgaria prior to the 27th day of December 1998, and whose parent has contracted a civil marriage with a Bulgarian citizen;

11. (new, SG No. 29/2007, renumbered from Item 9, SG No. 36/2009) members of the family of a Bulgarian citizen if they have resided without interruption on the territory of the Republic of Bulgaria in the last five years;

12. (new, SG No. 9/2011) who, by 27 December 1998, entered the territory of the Republic of Bulgaria, reside therein and have not left it, or were born in the territory of the Republic of Bulgaria and are not recognised as citizens of the former Soviet republics; the requirement of Article 15, Paragraph 1 shall not apply to this category of persons;

13. (new, SG No. 9/2011, supplemented, SG No. 16/2013, amended, SG No. 14/2015, SG No. 22/2022, effective 18.03.2022) who pursue business and are certified in accordance with the procedure provided for in the Investment Promotion Act, as certified by the Ministry of Innovation and Growth in accordance with Article 25c;

14. (new, SG No. 43/2011, effective 15.06.2011, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) minors who have been born and abandoned in Bulgaria by their parent/s (foreign nationals) and then accommodated in a social or integrated health and social service for residential care as a protection measure;

15. (new, SG No. 43/2011, effective 15.06.2011, amended, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) minors who have been abandoned in Bulgaria by their parent/s (foreign nationals) and then accommodated in a social or integrated health and social service for residential care as a protection measure;

16. (new, SG No. 16/2013, amended, SG No. 14/2015, supplemented, SG No. 21/2021, amended, SG No. 22/2022, effective 18.03.2022) who have made an investment in the country by contributing no less than BGN 500,000 to the capital of a Bulgarian commercial company, whereas the foreigner is a partner or a shareholder with registered stock and owns at least 50 percent of the company's capital and as a

result of the investment new tangible and intangible fixed assets at the value of no less than BGN 500,000 have been acquired and at least 10 jobs have been created for Bulgarian nationals, which must be maintained for the duration of the residence as certified by the Ministry of Innovation and Growth. The Ministry of Innovation and Growth shall issue the certificate upon reasoned opinion of the Bulgarian commercial company on the need of the foreigner's residence with the purpose of implementing and maintaining the investment;

17. (new, SG No. 108/2013) who have been granted a long-term residence permit pursuant to Article 24 (1), items 19 and 20 and have maintained the investment for a period of 5 years.

(2) (New, SG No. 36/2009, amended, SG No. 9/2011, SG No. 43/2011 effective 15.06.2011, supplemented, SG No. 108/2013, amended, SG No. 21/2021) The procedure to establish the circumstances and conditions referred to in Paragraph (1), as well as the terms and conditions for carrying out the examination and assessment under Paragraph (7) and for giving the preliminary approval to make an investment shall be laid down in the Rules for implementation of this Act. The Invest Bulgaria Agency shall have the task to ascertain the circumstances under paragraph 1, items 6, 8 and 17. The investments referred to in Paragraph 1, Item 6, Letters "a", "c" and "d", as well as their maintenance, shall be certified by the Central Securities Depository with which the securities have been registered. The Central Securities Depository shall provide information to the Invest Bulgaria Agency.

(3) (New, SG No. 9/2011, amended, SG No. 34/2019) Each application for a permanent residence permit shall be submitted in person to the Migration Directorate or the Migration Sector/Group at the relevant Regional Directorate of the Ministry of the Interior. The Director of the Migration Directorate or a person authorised by the Director shall decide on the application within two months of the submission thereof, provided however that in legally and factually complex cases and where additional documents need to be submitted such time-limit may be extended by two more months. The permit shall be issued in accordance with a procedure laid down in the Regulation on the Implementation of this Act.

(4) (New, SG No. 16/2013, amended, SG No. 14/2015, SG No. 22/2022 effective 18.03.2022) In the cases specified in paragraph 1, items 13 and 16, the assessment prior to the Ministry of Innovation and Growth issuing said certificate may be based on the enterprise's annual financial statements and activity reports certified by an auditor registered pursuant to the provisions of the Independent Financial Audit Act, information from the National Revenue Agency, municipalities and/or other relevant documents that are submitted by the investor or foreigner or collected ex officio.

(5) (New, SG No. 33/2016, effective 21.05.2016) No visa as per Article 15 (1) shall be required for minors born in the territory of the Republic of Bulgaria and applying for a long-term or permanent residence permit.

(6) (New, SG No. 34/2019) A permanent residence permit may not be issued to foreigners who have obtained a prolonged residence permit on the grounds of Article 28a hereof, except in the case of foreigners who are at least 18 years old and have been granted a prolonged residence permit on humanitarian grounds.

(7) (New, SG No. 21/2021) A foreigner who applies for a permanent residence permit under Paragraph 1, Item 6 shall make an investment following an examination and assessment by the Invest Bulgaria Agency of the following documents the foreigner has submitted:

1. documents identifying the foreigner in an unequivocal way;
2. documents proving available funds in an amount not less than the minimum threshold for the respective investment;
3. documents revealing a clean origin of the investment funds;
4. documents showing whether the foreigner is an outstanding political figure pursuant to Article 36 of the Measures Against Money Laundering Act;

5. documents indicative of labour, professional and investment activities;  
6. a criminal record certificate issued by a State of origin or by a State of permanent residence.

(8) (New, SG No. 21/2021) The foreigner shall, if necessary, provide other documents and information required by the Invest Bulgaria Agency.

(9) (New, SG No. 21/2021) Upon request and within their competence, the Ministry of Interior and the State Agency for National Security shall provide to the Invest Bulgaria

Agency an opinion on the basis of the information under Paragraph (10).

(10) (New, SG No. 21/2021) The preliminary approval for making investments issued by the Invest Bulgaria Agency on the basis of the examination and assessment under Paragraph (7) shall not constitute grounds for issuing a visa under Article 15, Paragraph 1 or for granting right of residence.

(11) (New, SG No. 21/2021, amended, SG No. 22/2022, effective 18.03.2022) The investments referred to in Paragraph 1, Items 6, 8 and 16 shall be maintained above the minimum amount required by law for a period of 5 years as of the date of granting the permanent residence permit. Foreigners who have been granted a permit for permanent residence in the Republic of Bulgaria shall immediately declare before the Invest Bulgaria Agency, and respectively, before the Ministry of Innovation and Growth, any change in the circumstances of their investments and shall provide evidence thereof.

(12) (New, SG No. 21/2021) The rights and assets acquired as a result of the investments referred to in Paragraph 1, Items 6 and 8 shall not be used as collateral for credit and financial institution loans for the term under Paragraph (11).

(13) (New, SG No. 21/2021, amended, SG No. 22/2022, effective 18.03.2022) The subsequent control of the circumstances under Paragraph 1, Items 6, 8 and 17 shall be exercised by the Invest Bulgaria Agency, and under Paragraph 1, Items 7, 13 and 16 – by the Ministry of Innovation and Growth.

#### **Article 25a**

(New, SG No. 42/2001, supplemented, SG No. 97/2016) □

Authorisation for residence in the Republic of Bulgaria, without fulfilment of the requirements under this Act, may be granted to foreigners who have rendered services to the Republic of Bulgaria in the public and economic sphere, in the area of national security, science, technology, culture or sports, or a national interest is involved.

#### **Article 25b**

(New, SG No. 52/2007, amended, SG No. 9/2011, repealed, SG No. 34/2019). □

#### **Article 25c**

(New, SG No. 16/2013)

(1) A permanent residence permit on the authority of Article 25(1), item 13 can be issued to a foreigner who is involved in making and/or maintaining an investment, which was awarded a class A, class B or Priority Investment Project Certificate in accordance with the procedure of Article 20(1), item 1 of the Investment Promotion Act.

(2) In respect of the Bulgarian commercial company with an investment certified under Article 20(1), item 1 of the Investment Promotion Act, the foreigner referred to in paragraph 1 must be:

1. a partner or a shareholder with registered stock owning at least 50 percent of the company's registered capital;

2. a company representative or procurator recorded in the Commercial Register; or

3. hired under an employment contract to perform a key and/or controlling function in the Research and Development, Production, Marketing or another core

division of the enterprise or to perform another activity that is necessary for the purposes of the investment.

(3) No later than the third year after the start date of the work under the investment project, the competent body of the commercial company referred to in paragraph 2 shall certify that the minimum threshold was reached to issue a Class B Investment Certificate pursuant to the procedure of the Investment Promotion Act in terms of the investments which have already been made and commissioned and/or in terms of created jobs as evidenced by the average listed number of personnel.

(4) The total number of individuals referred to in paragraph 2 who are eligible to obtain a residence permit on the authority of Article 25(1), item 13 in relation to implementing and maintaining an investment project is:

1. up to three individuals, for the period until the requirement referred to in paragraph 3 is fulfilled;

2. up to 8 individuals, after the requirement referred to in paragraph 3 has been fulfilled, during the period of maintaining the investment and the jobs.

(5) The Bulgarian commercial company and the individual referred to in paragraph 2 are subject to the requirements of Article 13 of the Investment Promotion Act.

(6) (Amended, SG No. 14/2015, SG No. 22/2022, effective 18.03.2022) The Ministry of Innovation and Growth issues a certificate confirming that the requirements referred to in paragraphs 2 - 5 have been met; this certificate is meant to be submitted to the administrative control services in charge of foreign nationals. This certificate is issued as a result of justifications provided by the Bulgarian commercial company referred to in paragraph 2 to the effect that there is a need for the foreigner to reside in Bulgaria for the purposes of effecting and maintaining the investment and as a result of the company having undertaken to inform the Ministry of Innovation and Growth immediately in the event that the company's relations with the individual were terminated.

#### **Article 25d**

(New, SG No. 97/2017)

(1) A member of the family of a Bulgarian citizen who has been granted the right to prolonged stay as provided for by Article 24m shall have the right to permanent residence provided that he/she has continuously resided in the Republic of Bulgaria together with the Bulgarian citizen concerned for five years, or provided that he/she has continuously resided in the Republic of Bulgaria for five years in the cases referred to in Article 24, Paragraphs 9, 10 and 11.

(2) To obtain a residence card of a family member of a Union citizen certifying his/her right to permanent residence, the person referred to in Paragraph 1 shall submit an application to the Migration Directorate of the Ministry of the Interior or to the regional directorates of the Ministry of the Interior two months prior to the expiry of the authorised prolonged-stay period.

(3) The residence card of a family member of a Union citizen evidencing the right to permanent residence shall be issued within one month of the submission of the application.

#### **Article 25e**

(New, SG No. 14/2018, amended, SG No. 1/2019) Military officers and members of the civilian component of the units of the North Atlantic Treaty Organisation (NATO) deployed in the Republic of Bulgaria and their dependants, reside in the Republic of Bulgaria even if the requirements of this Act have not been met. The period of residence under can be longer than one year.

#### **Article 26**

(1) (Previous text of Article 26, SG No. 42/2001, amended, SG No. 9/2011, SG No. 43/2011, effective 15.06.2011, supplemented, SG No. 21/2021) Issuance of a

residence permit or extension of the period of stay shall be refused in the cases referred to in Article 10, Paragraph 1, Items 1 - 4, 6 - 11, 14, 16, 19 - 23 and 26.

(2) (New, SG No. 42/2001, amended, SG No. 36/2009, SG No. 9/2011 supplemented, SG No. 70/2013, effective 24.12.2013, SG No. 33/2016, effective 21.05.2016, SG No. 97/2017, SG No. 24/2018, effective 23.05.2018, amended, SG No 34/2019, supplemented, SG No. 21/2021) Issuance of a residence permit or extension of the period of stay in Bulgaria shall be refused to any foreigner found not to satisfy the requirements referred to in Article 24, Articles 24a – 24d, Article 24f, Article 24h, Article 24i, Article 24k, Article 24m, Article 24n, Article 24m, Article 24n, Article 25 Article 33a, Article 33d and Articles 33k – 33m, 33p and 33s.

(3) (New, SG No. 42/2001, supplemented, SG No. 37/2003, amended, SG No 9/2011) Issuance of a residence permit or extension of the period of stay shall be refused to any foreigner who has married a Bulgarian citizen or a foreigner or who has been adopted by a Bulgarian citizen or by a foreigner holding a residence permit if there are reasons to believe that the marriage was contracted or the adoption was made solely for the purpose of circumventing the standards regulating the regime applicable to foreigners in the Republic of Bulgaria, and of obtaining a residence permit.

(4) (New, SG No. 42/2001, amended and supplemented, SG No. 9/2011) The foreigners administrative control services shall determine whether to refuse the permit under Paragraph (3) on the basis of information inviting a reasoned conclusion that the marriage has been contracted or the adoption made for the sole purpose of circumventing the standards regulating the regime applicable to foreigners in the Republic of Bulgaria, and of obtaining a residence permit. The following shall qualify as such information:

1. (supplemented, SG No. 9/2011) the fact that the spouses or the person adopted and the adopter do not live together;
2. the lack of contribution to the obligations ensuing from the marriage;
3. the fact that the spouses did not know each other prior to contracting the marriage;
4. (supplemented, SG No. 9/2011) the giving of conflicting information regarding personal data of the other spouse or the person adopted (name, address, nationality, profession), regarding the circumstances of the acquaintance thereof, or regarding other important personal information;
5. (supplemented, SG No. 9/2011) the fact that the spouses or the person adopted and the adopter do not speak a language that they both understand;
6. the payment of a sum of money for contracting a marriage beyond the customary dowry;
7. (supplemented, SG No. 9/2011) the existence of previous marriages contracted or adoptions made for the purpose of circumventing the standards regulating the regime applicable to foreigners;
8. (new, SG No. 9/2011) the fact that the marriage was contracted or the adoption made after the foreigner obtained a residence permit.

(5) (New, SG No. 42/2001, amended, SG No. 37/2003) The information covered under Paragraph (4) may be derived from interviews conducted by officers of the foreigners administrative control services, from statements made by the parties concerned or by third parties, from documents, or from checks and investigations performed by government authorities. The foreigners administrative control services shall be obligated to give the parties concerned a hearing.

(6) (New, SG No. 9/2011, effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania – amended, SG No. 56/2018) In the cases referred to in Article 10, Paragraph 1, Item 19, a residence permit may be issued for reasons of a humanitarian nature or for reasons related to the observance of international obligations after consultations with the Member State

which issued the alert for the purposes of refusing entry.

(7) (New, SG No. 9/2011) In case a foreigner or the members of his/her family contract any illness after the initial issuance of a residence permit pursuant to Chapter Three "a", or after the issuance of residence permits to the members of the family of a foreigner for reasons of family reunification, that may not be regarded as a reason to refuse extension of the period of stay.

(8) (New, SG No. 9/2011) A refusal to grant long-term resident status may not be based on the circumstances referred to in Article 10, Paragraph 1, Item 8. When refusal to grant long-term resident status is considered, the length of the foreigner's stay in the Republic of Bulgaria, his/her age, health status, family status, social integration and existing relations in Bulgaria or the lack of relations with the country of origin shall be taken into account.

(9) (New, SG No. 24/2018, effective 23.05.2018) The issuing of a residence permit or the extending of the period of stay of a foreigner shall be refused where the permit granted or the documents presented are fraudulent, false or forged.

(10) (New, SG No. 24/2018, effective 23.05.2018, amended and supplemented, SG No. 21/2021) In the cases referred to in Article 24q Paragraph 1, Item 21, Articles 24b, 24c and 24p, with the exception of Article 24b, Paragraph 18 and Article 24c, Paragraph 13, the extending of the period of stay shall be refused where the foreigner resides in the territory of the Republic of Bulgaria for purposes other than those for which his/her residence permit has been issued.

(11) (New, SG No. 9/2011, renumbered from Paragraph 9, SG No. 24/2018 effective 23.05.2018) A refusal to issue a residence permit or extend the period of stay shall be substantiated and announced to the interested parties and may be contested in accordance with the procedure provided for in the Code of Administrative Procedure.

(12) (New, SG No. 21/2021) Reasoning for refusals to issue residence permits or to extend the duration of stay under Article 10, Paragraph 1, Items 1 – 3, and where disclosure of data and circumstances based on which the decision was made affect or could affect directly the foreign policy and international relations of the Republic of Bulgaria or the national security, shall be set out in a separate document elaborated by the relevant competent authorities. Provided this document contains classified information, it shall be prepared under the terms of the Classified Information Protection Act.

#### **Article 26a**

(New, SG No. 37/2003, amended, SG No. 11/2005, repealed, SG No. 63/2005)

#### **Article 27**

(Amended, SG No. 29/2006, SG No. 23/2013, SG No. 97/2016)

(1) The validity term of short-stay visa and of the period of stay granted thereby may be extended one-off by the services for administrative control of foreigners due to reasons of humanitarian nature, under extraordinary circumstances or in case of national interest by affixing a personalised visa sticker and a stamp of the issuing authority in the passport or the substituting travel document under a procedure set out in the Rules of implementation of the Act.

(2) The term of stay of persons that have entered the country under the conditions of a visa-free regime may be extended one-off by the services of administrative control of foreigners due to reasons of humanitarian nature in relation to extraordinary circumstances or in case of national interest under a procedure set out in the Rules of implementation of the Act.

(3) The term of stay of a person under Article 23a may be extended by the Ministry of Foreign Affairs not conforming to the restrictions under paragraphs 1 and 2 according to a procedure set out by an act of the Council of Ministers.

#### **Article 27a**

(New, SG No. 42/2001, supplemented, SG No. 28/2008, SG No. 97/2016)□

The government and municipal authorities which, by virtue of a statutory instrument, perform registration of foreigners or of activities performed by foreigners shall be obligated to verify the type and grounds of the visas issued to foreigners. Should any discrepancy be established between the registration as requested and the type and grounds of the visa as issued, registration shall be refused and the foreigners administrative control services and the State Agency for National Security shall be notified immediately.

#### **Article 27b**

(New, SG No. 42/2001)

(1) Officials who, as a result of the duties performed by them, have established a change in the legal status or the activity of foreigners, must notify thereof the services exercising administrative control of foreigners immediately.

(2) (Supplemented, SG No. 9/2011) In the cases of forfeiture or termination of the entitlement of a foreigner to permanent or long-term residence, the foreigners administrative control services shall immediately notify the civil registration authorities.

#### **Article 28**

(Amended, SG No. 42/2001)

(1) (Amended, SG No. 37/2003, SG No. 11/2005, repealed, SG No. 63/2005 effective 1.01.2006).□

(2) (Repealed, SG No. 63/2005, effective 1.01.2006).□

(3) (Supplemented, SG No. 37/2003, amended, SG No. 11/2005, SG No. 36/2009, SG No. 97/2016) Any natural or legal person who or which has provided accommodation to a foreigner shall notify in writing the service for administrative control of foreigners or the precinct department of the Ministry of Interior exercising jurisdiction over the whereabouts thereof within three days after providing such accommodation, stating the full name, date of birth, citizenship, and number and series of identity document of the foreigner.

(4) (Amended, SG No. 36/2009, SG No. 17/2020) Any person providing hotel services shall register a foreigner, upon providing the accommodation, in the register referred to in Article 116(1) of the Tourism Act and shall enter in said register the full name of the foreigner as stated in his/her passport or in the substituting travel document, the date and year of birth, the citizenship, the number of the passport or of the substituting travel document, as well as the period of stay of the foreigner in the tourist establishment.

(5) (New, SG No. 37/2003, repealed, SG No. 63/2005, effective 1.01.2006).□

(6) (Renumbered from Paragraph (5), SG No. 37/2003, repealed, SG No. 63/2005, effective 1.01.2006).□

(7) (Renumbered from Paragraph (6) and amended, SG No. 37/2003, SG No. 63/2005, effective 1.01.2006)□ The stay in the Republic of Bulgaria of the persons referred to in Article 18 (2) and in Item 14 of Article 24 (1) herein shall not be assimilated to the duration required to obtain a permanent residence permit or to acquire Bulgarian citizenship by naturalisation.

#### **Article 28a**

(New, SG No. 42/2001, amended, SG No. 54/2002, supplemented, SG No. 9/2011, amended, SG No. 34/2019, effective 24.10.2019)□

(1) Unaccompanied foreign children as well as foreigners under the age of 18 who have entered the territory of the Republic of Bulgaria with an accompanying person but have subsequently been abandoned by that person, where they have not requested protection under the Asylum and Refugees Act or who have been effectively refused international protection after requesting it, may only be allowed prolonged residence in the territory of the Republic of Bulgaria until they reach the age of

majority. The permit shall be issued in accordance with a procedure laid down in the Regulation on the Implementation of this Act.

(2) After foreigners as referred to in paragraph 1 attain the age of 18, they may be allowed prolonged residence provided that humanitarian grounds for that exist.

(3) The Social Assistance Directorate competent in the place of residence of the foreigners referred to in paragraph 1 shall determine and implement specific child protection measures under the Child Protection Act following an assessment of the child's best interests, and the Child Protection State Agency shall coordinate, monitor and control the implementation of the protection measures as determined with a view to ensuring that the child's rights are respected, until the final resolution of the issue of the child's residence in the Republic of Bulgaria, but in no case after the child attains the age of 18.

(4) The Director of the Migration Directorate or an official authorised by the Director shall allow long-term residence to the foreigners referred to in Paragraphs (1) and (2) after assessing the possibilities to return them to a member of their family, to an appointed guardian or to appropriate reception centres in their country of origin, in a third country ready to admit them, or in a country obliged to admit them by virtue of a delivery and re-admission agreement with the Republic of Bulgaria, provided however that their life and freedom are not jeopardised and that they are not at risk of persecution, torture, or inhuman or degrading treatment in such country. The assessment shall be made in accordance with a procedure laid down in the Regulation on the Implementation of this Act.

(5) The Director of the Migration Directorate or an official authorised by the Director shall issue a refusal of prolonged residence to the foreigners referred to in Paragraphs (1) and (2) where it is found that they can be returned. The refusal may be appealed against pursuant to the Administrative Procedure Code.

(6) Family reunification shall not be allowed for foreigners who have been granted the right of residence under Paragraphs (1) and (2).

## **Article 29**

(1) (Previous text of Article 29, SG No. 36/2009, amended, SG No. 9/2011) Foreigners residing in the Republic of Bulgaria on a prolonged, long-term or permanent basis shall certify their identity according to a procedure established by law.

(2) (New, SG No. 36/2009, amended, SG No. 9/2011, SG No. 97/2016) Foreigners residing in the Republic of Bulgaria on a prolonged, long-term or permanent basis, shall certify their right to reside in the Republic of Bulgaria by a residence permit in accordance with the requirements of Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

(3) (New, SG No. 9/2011, amended, SG No. 97/2016) The passport or substituting travel document of a foreigner shall be valid for at least three months considered from the date of submission of the application for issuance of a residence permit.

(4) (New, SG No. 36/2009, renumbered from Paragraph 3, SG No. 9/2011) The procedure for issuance of residence permits as referred to in paragraph 2 shall be determined by an act of the Council of Ministers.

## **Article 30**

(Amended, SG No. 97/2016)

Any foreigner whereof the passport or substituting travel document has been lost or destroyed shall be obligated to notify immediately the services for administrative control of foreigners of this occurrence.

## **Article 31**

(1) A foreigner's foreign-travel documents may be temporarily detained:



1. by the competent bodies of the judiciary when penal proceedings have been instituted because of a crime commission;
2. by the competent officers in the event of the foreigner's commitment to an institution for imprisonment of convicted persons;
3. by the Ministry of Interior's authorities when there is reasonable doubt that the documents are counterfeit or forged;
4. (amended, SG No. 97/2016) by the authorities of the Ministry of Interior, where an order on expulsion, return, or extradition from Bulgaria has been issued;
5. (repealed, SG No. 29/2007);
6. by the Ministry of Interior's authorities in all events where foreigners have been forcibly sent back from another country.

(2) In all cases stipulated under paragraph (1), subparagraphs 1, 2 and 3 above, the officials detaining a foreigner's documents shall draw up a written statement on the basis whereof the services exercising administrative control over foreigners shall issue a temporary document certifying the person's identity.

(3) A detained foreign-travel document shall be returned to the concerned foreigner when the grounds for its temporary detention are no more existent.

(4) (Amended, SG No. 97/2016) The foreign-travel documents of foreigners enjoying immunity in the Republic of Bulgaria may not be seized, unless otherwise provided for in the international treaties whereto the Republic of Bulgaria is a party.

### **Article 32**

Foreign-travel documents of foreigners shall not be given or accepted as security by pledge, nor shall they be given into another's keeping for temporary use.

### **Article 33**

(Supplemented, SG No. 9/2011, amended, SG No. 43/2011, effective 15.06.2011, supplemented, SG No. 70/2013, effective 24.12.2013, repealed, SG No 33/2016, effective 21.05.2016).

## **Chapter Three "a" (New, SG No. 29/2007)**

### **RESIDENCE OF A FOREIGNER WHO HAS RECEIVED A LONG-TERM RESIDENCE PERMIT IN ANOTHER MEMBER STATE OF THE EUROPEAN UNION**

**(Heading amended, SG No. 9/2011)**

### **Article 33a**

(New, SG No. 29/2007)

(1) (Amended, SG No. 9/2011) A foreigner who has received a long-term residence permit for another European Union Member State may receive in the Republic of Bulgaria a long-term residence permit for the Republic of Bulgaria:

1. if he/she is a worker, employee of a self employed person in the Republic of Bulgaria;
2. for the purpose of study, including professional training in an educational establishment;
3. (new, SG No. 9/2011) for other purposes.

(2) (Amended, SG No. 9/2011) A long-term residence permit shall be issued to the foreigner under paragraph 1 if he/she complied with the terms referred to in Article 24, paragraph 2 and if he/she presents:

1. a work permit in the Republic of Bulgaria - if he/she is a worker or employee;
2. documents that he/she has permission to perform an activity as self-employed and commands the required resources for engaging in business activities - if he/she is self employed;

3. a certificate from the educational establishment that he/she has been accepted for study in the respective year - if the residence is for educational purposes;

4. (new, SG No. 9/2011) documents evidencing the circumstances referred to in Article 24, Paragraph 2.

### **Article 33b**

(New, SG No. 29/2007)

(1) (Amended, SG No. 9/2011) Within three months after his/her entry into the territory of the Republic of Bulgaria the foreigner shall submit to the services for administrative control of foreigners an application for issuing a prolonged-stay permit for the territory of the Republic of Bulgaria.

(2) (Amended, SG No. 21/2012, SG No. 53/2014, SG No. 14/2015) The application shall be sent through the official channels to the Migration Directorate of the Ministry of Interior, which shall consider it within four months after the date of its submission.

(3) When the documents under Article 33a, paragraph 2 have not been enclosed with the application of the case is complex from a factual point of view the term may be extended by no more than three months. In these cases the services for administrative control of foreigners shall notify forthwith the foreigner thereof.

(4) The procedure for reviewing the application shall be determined in the Regulation on the implementation of this act.

### **Article 33c**

(New, SG No. 29/2007)

(1) (Amended, SG No. 9/2011) The prolonged-stay permit shall be issued for a term of one year.

(2) The permit shall be renewed on an application by the foreigner by the services for administrative control of foreigners after its expiry

### **Article 33d**

(New, SG No. 29/2007)

(1) (Amended, SG No. 9/2011) Where a foreigner as referred to in Article 33a, Paragraph 1 holds a residence permit for the Republic of Bulgaria and has a family established in the European Union Member State which issued his/her long-term residence permit, the members of his/her family shall be entitled to accompany or join him/her.

(2) (Supplemented, SG No. 9/2011) To obtain a prolonged-stay permit, the family members shall submit to the territorial service for administrative control of foreigners the following:

1. a standard travel document;

2. (supplemented, SG No. 9/2011) the documents referred to in Article 24, paragraph 2, except for the documents evidencing that a residence has been secured;

3. their long-term residence permit or a residence permit in another European Union Member State;

4. proof that they have resided in the capacity of members of the family of a foreigner residing on a long-term basis in another European Union Member State.

(3) The term of residence of the members of the family shall be determined for the term of residence of the foreigner referred to in Article 33a, paragraph 1.

(4) When the family came into existence under the terms of paragraph 1 the general rules for foreigners entering and residing in the Republic of Bulgaria shall apply to the members of the family of the foreigner referred to in Article 33a, paragraph 1.

### **Article 33e**

(New, SG No. 29/2007, amended, SG No. 9/2011, SG No. 21/2012, SG No. 53/2014, SG No. 14/2015)

The Migration Directorate of the Ministry of Interior shall notify the other European Union Member State of the entitlement to prolonged stay granted to the foreigner referred to in Article 33a, Paragraph 1.

### **Article 33f**

(New, SG No. 29/2007, repealed, SG No. 9/2011).□

### **Article 33g**

(New, SG No. 29/2007)

(1) (Amended, SG No. 9/2011) When grounds exist to refuse or withdraw a prolonged-stay permit, the authorities of the Ministry of Interior shall return forthwith and without any formalities the foreigner referred to in Article 33a, paragraph 1 or the members of his/her family to the European Union Member State in which they have a long-term residence permit.

(2) In the cases referred to in paragraph 1 the authorities of the Ministry of the Interior shall notify the competent authorities of the other European Union Member State.

(3) (New, SG No. 43/2011, effective 15.06.2011) The Republic of Bulgaria shall immediately readmit, without formalities, a foreign national to whom it had previously granted a long-term residence permit and his/her family members when another EU Member State has withdrawn or refused the right of residence of the person concerned.

### **Article 33h**

(New, SG No. 29/2007)

(1) (Supplemented, SG No. 109/2007) When the foreigner referred to in Article 33a, paragraph 1 or the members of his/her family present a serious threat to public safety and order the authorities of the Ministry of the Interior or to the State Agency for National Security may expel them from the territory of the European Union even before they have received entitlement to long-term residence in the Republic of Bulgaria after coordination with the competent authorities of the other European Union Member State in which they have a long-term residence permit.

(2) In case of expulsion the length of the foreigner's residence in the Republic of Bulgaria, the age, the health status, the family position, the social integration and the existence of a relationship with the state of residence or the lack of a relationship with the state of origin shall be taken into consideration.

(3) (Supplemented, SG No. 109/2007) The authorities of the Ministry of the Interior or to the State Agency for National Security shall notify the competent authorities of the other European Union Member State of the implementation of the decision on expulsion.

(4) (New, SG No. 23/2013, effective 1.05.2013) A foreigner who has been granted a long-term resident's EU residence permit in the first Member State on the grounds of international protection granted by that Member State and that permit has not been revoked, may be expelled even before he/she is granted the right of long-term stay in the Republic of Bulgaria, if there is reason to believe that this individual constitutes a serious threat to national security or if he/she constitutes a threat to public order due to the fact that he/she has been convicted of a serious crime and his/her sentence has entered into force.

(5) (New, SG No. 23/2013, effective 1.05.2013, amended, SG No. 80/2015 effective 16.10.2015)□ Where a foreigner must be expelled, where he/she has been granted a long-term residence permit on the grounds of his/her international protection given by another European Union Member State, the competent authority referred to in Article 44(1) through the bodies of the State Agency for Refugees shall submit a request for information to that Member State seeking to confirm that to the individual was granted international protection.

(6) (New, SG No. 23/2013, effective 1.05.2013, amended, SG No. 80/2015

effective 16.10.2015) ▫ Where another Member State submits a request for information, within one month after receipt of such request the State Agency for Refugees shall provide information whether the individual has or has not been granted international protection by the Republic of Bulgaria.

(7) (New, SG No. 23/2013, effective 1.05.2013, amended, SG No. 80/2015 effective 16.10.2015) ▫ Where the international protection has been confirmed, the foreigner referred to in Paragraph 6 and the members of his/her family shall be immediately returned to the Member State that has provided international protection to him/her.

(8) (New, SG No. 23/2013, effective 1.05.2013, amended, SG No. 80/2015 effective 16.10.2015) ▫ A foreigner whose presence in Bulgaria represents a serious threat to national security or who has been convicted of a serious crime and his/her sentence has entered into force and as a result that individual is a threat to public order, he/she may, in compliance with Article 44a(1), be expelled to a country other than the Member State that provided him/her with an international protection.

(9) (New, SG No. 23/2013, effective 1.05.2013) The Republic of Bulgaria shall readmit immediately any foreigner whom it has granted international protection and the members of his/her family, in the event that another Member State of the European Union has adopted a decision to expel that individual.

### **Article 33i**

(New, SG No. 9/2011)

(1) A foreigner who has been granted a prolonged-stay permit for the Republic of Bulgaria as a second Member State and who obtains entitlement to long-term residence subject to the provisions of Article 24d may be issued a long-term residence permit based on an application submitted.

(2) The foreigners administrative control services shall notify the first Member State of the entitlement to long-term residence granted to the foreigner.

(3) (New, SG No. 23/2013, effective 1.05.2013) In the event of issuing a long-term resident's EU residence permit to a beneficiary of international protection granted in the first Member State, the international protection granted by that European Union Member State and the date of granting that protection shall be specified under the heading "Remarks".

(4) (New, SG No. 23/2013, effective 1.05.2013, amended, SG No. 80/2015 effective 16.10.2015) ▫ The remark referred to in Paragraph 3 shall be entered by the competent authorities of the Ministry of the Interior after the State Agency for Refugees has consulted the first Member State and as a result has confirmed that the international protection that was granted to the individual has not been revoked by virtue of a decision that has already entered into force.

(5) (New, SG No. 23/2013, effective 1.05.2013, amended, SG No. 80/2015 effective 16.10.2015) ▫ Upon request from another Member State, the State Agency for Refugees shall, within one month from the receipt of said request, provide information whether the individual has or has not been granted international protection by the Republic of Bulgaria in its capacity as a first Member State.

(6) (New, SG No. 23/2013, effective 1.05.2013) Where the Republic of Bulgaria grants international protection and prior to the foreigner being issued with a long-term resident's EU residence permit by the competent bodies of the Ministry of the Interior, the State Agency for Refugees shall notify the Member State that has issued such permit that a remark will be entered in compliance with Article 24e(3).

(7) (New, SG No. 23/2013, effective 1.05.2013) Where the responsibility for international protection has been transferred to the Republic of Bulgaria in relation to a foreigner who has been issued a long-term resident's EU residence permit by the competent bodies of the Ministry of the Interior, the remark referred to in Paragraph 3 shall be amended in compliance with Article 24e(3) no later than three months from issuing a Bulgarian identity document pursuant to the Bulgarian Personal Documents

Act.

(8) (New, SG No. 23/2013, effective 1.05.2013) The amendment under the heading "Remarks" of the long-term resident's EU residence permit issued by the competent bodies of the Ministry of the Interior shall be made on the basis of a notification by a Member State to the effect that it has taken the responsibility for the foreigner's international protection and has done so prior to having issued such a permit. The amended permit shall be issued no later than three months after receipt of said notification.

**Chapter Three "b"**  
**(New chapter, SG No. 9/2011, effective 1.06.2011)**  
**RESIDENCE OF THIRD-COUNTRY NATIONALS FOR THE PURPOSES OF**  
**HIGHLY QUALIFIED EMPLOYMENT**

**Article 33k**

(New, SG No. 9/2011, amended and supplemented, SG No. 43/2011, effective 15.06.2011, SG No. 70/2013 amended, SG No. 33/2016, effective 21.05.2016 amended and supplemented, SG No. 97/2017, SG No. 24/2018, effective 23.05.2018 amended, SG No. 34/2019, SG No. 21/2021, effective 1.06.2021)□

(1) A permit for prolonged stay and work of the EU Blue Card type may be granted to foreigners who meet the conditions to perform highly qualified work pursuant to Bulgarian legislation, and who hold a visa under Article 15, Paragraph 1 or a permit for prolonged stay in the Republic of Bulgaria.

(2) A permit for prolonged stay and work of the EU Blue Card type shall be issued for a period of up to 4 years. Where the term of the relevant employment contract is shorter, the permit shall be issued for a period equal to the contract term plus three months, and may be extended where there are grounds for reissuance thereof.

(3) An application for the issuance of the permit referred to in Paragraph (1) shall be submitted to the Migration Directorate or to the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior by the employer or a person authorised thereby, or by the foreigner in person, in case he/she holds a permit for prolonged stay in the territory of the Republic of Bulgaria, the application having been signed by the employer as well. Where the foreigner holds a prolonged residence permit, the application shall be submitted within 60 days prior to the expiry of his/her term of residence.

(4) The Migration Directorate or the Migration Department/Sector/Group at the Regional Directorates of the Ministry of the Interior shall provide information concerning all documents required to obtain the permit, as well as the foreigner's rights and obligations arising under it.

(5) The application shall be submitted in a standard form pursuant to the Rules for implementation of this Act, wherein an electronic address for correspondence shall be indicated and whereto there shall be attached:

1. a copy of a passport or a substituting document providing the pages with the foreigner's photo and personal data;

2. a criminal record certificate issued by the State of which the foreigner is a national or by the State of his or her habitual residence, upon initial submission of an application for the issuance of the permit referred to in Paragraph (1);

3. evidence of secured housing;

4. a reasoned opinion as regards the foreigner's access to the labour market, wherein the employer:

a) indicates the facts and circumstances requiring the employment of a foreign worker;

b) gives reasons for his/her refusal to hire a Bulgarian citizen, a citizen of

another Member State of the European Union, of a state party to the Agreement or the European Economic Area, or of the Swiss Confederation, or a person referred to in Article 9, Paragraph 1, Items 2 – 6 of the Labour Migration and Labour Mobility Act who meets the requirements specified in the announcement;

5. documents verifying the foreign worker's education, speciality, competence, professional qualification and experience, which documents have been legalised under the applicable procedure and are accompanied by a translation in Bulgarian certified by a public notary or by the Consular Relations Directorate of the Ministry of Foreign Affairs, corresponding to the requirements to hold the position according to the National Classification of Professions and Positions, 2011;

6. a declaration by the employer that the working and payment conditions have been complied with and that they are not less favourable than the conditions for the Bulgarian citizens coming under respective category of labour – upon initial submission of an application;

7. a copy certified by the employer of a fixed-term employment contract concluded, pursuant to Bulgarian legislation, for a position designated by a code under the National Classification of Occupations and Positions, 2011, signed by the parties and coming into effect as of the date of issuing the document for the residence of the foreign worker, and a copy of the job description when it is an integral part of the contract;

8. a document verifying fulfilment of the conditions to exercise a profession included in the List of Regulated Professions in the Republic of Bulgaria pursuant to Article 3 of the Recognition of Professional Qualifications Act;

9. a compulsory medical insurance valid in the territory of the Republic of Bulgaria for the entire duration of residence, if the foreigner is not insured under the Health Insurance Act and has been granted prolonged residence in the territory of the Republic of Bulgaria;

10. other documents, if necessary, exigible under Bulgarian law to hold the position specified by the employer.

(6) In case the application referred to in Paragraph (5) has been submitted to a Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior, it, along with the documents enclosed thereto, shall be sent immediately by electronic means to the Migration Directorate and to the territorial directorates of the State Agency for National Security. The application and the documents attached thereto shall also be sent in the original within three days and shall be supported by a document verifying the address in case of doubt that the foreigner will not live at the indicated address.

(7) The Migration Directorate shall conduct an examination of the documents referred to in Paragraph (5), and, in the event of a missing document, as well as of the need to provide additional documents, it shall notify the applicant electronically of these circumstances and shall set a 7-day time-limit for providing the documents. In case the documents have not been presented within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit for prolonged stay and work of the EU Blue Card type.

(8) The Migration Directorate shall send electronically to the Employment Agency the applications referred to in Paragraph (5) that are still under the procedure, together with the documents enclosed thereto, within 14 days as of submitting the application, and the documents under Paragraph 5, Item 5 shall also be sent in the original. Where the foreigner has been granted a prolonged-stay permit in the territory of the Republic of Bulgaria, a reference as to his/her right of residence shall be attached to the application. The foreigner who has been granted the right to reside in the country on a long-term basis shall not be required, upon initial application for a permit under Paragraph (1), to be outside the territory of the Republic of Bulgaria. The Migration Directorate shall send electronically the application and all documents

enclosed thereto to the State Agency for National Security which, within 14 days, shall send a written statement under Article 41, Paragraph 1, Item 2 of the State Agency for National Security Act if the person is located in the territory of the country, and, in the cases under Paragraph (13), within 10 days after presenting an opinion on the visa application referred to in Article 15, Paragraph 1.

(9) Within 14 days as of the receipt of the application at the Employment Agency, its Executive Director shall send electronically to the Migration Directorate a written statement on the presence or lack of grounds to perform highly qualified work.

(10) Upon irregularities established in the documents, as well as in case of need for the applicant to provide additional documents, the Employment Agency shall notify the Migration Directorate by electronic means within 7 days. The time-limit referred to in Paragraph (9) shall be suspended until receipt of the required documents.

(11) The Migration Directorate shall notify the applicant electronically of the circumstances under Paragraph (10) and shall set a 7-day time-limit for removing the irregularities or submitting the required documents. In case the irregularities have not been removed or the documents have not been presented within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure to issue a permit under Paragraph (1) and shall notify the Employment Agency thereof.

(12) Where the application referred to in Paragraph (5) has been submitted by an employer or a person authorised thereby, the Migration Directorate shall send an electronic message to the employer within three days as of the receipt of the positive statements under Paragraphs (8) and (9) wherein it shall be stated that, as regards the foreigner, there are grounds for exercising highly qualified employment. The notification shall also be sent to the Consular Relations Directorate at the Ministry of Foreign Affairs.

(13) The employer shall notify the foreigner of the communication under Paragraph (12), and, within 20 days after sending the message referred to in Paragraph (12) to the employer, the foreigner shall take actions to submit an application for the issuance of a visa under Article 15, Paragraph 1. In the cases of refusal to issue a visa under Article 15, Paragraph 1, the Consular Relations Directorate at the Ministry of Foreign Affairs shall notify the Migration Directorate and the State Agency for National Security.

(14) Where the application has been submitted by the employer or a person authorised thereby, the foreigner who has entered the territory of the Republic of Bulgaria with a visa under Article 15, Paragraph 1 shall, within 7 days after his/her entry, appear in person before the Migration Directorate or before the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior and shall attach to the application referred to in Paragraph (5) a copy of his/her passport containing the page whereto the visa has been affixed, as well as a compulsory medical insurance valid in the territory of the Republic of Bulgaria for the entire duration of the stay in case the person is not insured under the Health Insurance Act. In case the documents have not been presented within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit for prolonged stay and work of the EU Blue Card type.

(15) The Director of the Migration Directorate or an official authorised thereby shall, within three days as of submitting the documents referred to in Paragraph (14), issue or refuse to issue a permit for prolonged stay and work of the EU Blue Card type in case the application has been submitted by the employer or a person authorised thereby.

(16) The Director of the Migration Directorate or an official authorised thereby shall issue or refuse to issue a permit for prolonged stay and work of an EU Blue Card type within 60 days as of submission of the application in case the foreigner has been

granted the right to reside in the territory of the Republic of Bulgaria on a long-term basis.

(17) In legally and factually complicated cases, the time-limit to consider the application may be extended by one more month whereof the employer or the foreigner shall be notified in writing. If necessary, documents and information shall be submitted within 14 days as of receipt of the notification. In case the additional documents and information have not been submitted within the specified time-limit, the procedure to grant a permit under Paragraph (1) shall be terminated.

(18) After a permit for prolonged stay and work of the EU Blue Card type has been granted, there shall be issued a document pursuant to the requirements laid down in Regulation (EC) No. 1030/2002, an "EU Blue Card" being indicated in the "type of permit" field. In case of changing the employer, Paragraphs (5) – (11), (16) and (17) shall be applied, and after the Employment Agency has submitted a written opinion, a permit for prolonged stay and work of an EU Blue Card type shall be issued.

(19) The procedure to issue a permit for prolonged residence and work of the EU Blue Card type shall not exceed three months.

(20) The employer shall notify the Migration Directorate of the termination of the employment relationship with the foreigner, within three days as of the date of terminating the employment.

(21) A permit under Paragraph (1) shall not be issued to foreigners who have obtained the right to a prolonged stay on the grounds of Article 24m, as well as to family members of European Union citizens who have exercised or are currently exercising their right to free movement within the European Union and have obtained a residence permit as provided for by the Act on the Entry and Residence in and Departure from the Republic of Bulgaria of European Union Citizens and Members of Their Families.

(22) Decisions taken on the basis of the application shall be notified in writing to the employer and the foreigner pursuant to the Code of Administrative Procedure.

### **Article 33I**

(New, SG No. 9/2011)

(1) A holder of an EU Blue Card issued by another European Union Member State who has resided in the territory of such Member State for 18 months may, together with the members of his/her family, reside in the Republic of Bulgaria for the purposes of highly qualified employment. The application for issuance of an EU Blue Card in the Republic of Bulgaria shall be submitted within one month after the foreigner's entry into the territory of Bulgaria.

(2) (Amended, SG No. 21/2021, effective 1.06.2021) If the period of validity of the Blue Card as issued in the first Member State expires in the course of the EU Blue Card issuance procedure in the Republic of Bulgaria, the Migration Directorate of the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior shall issue to the foreigner a temporary-stay permit to enable him/her to stay legally in the territory of the Republic of Bulgaria until the relevant competent authority passes a decision on his/her application.

(3) Paragraphs 1 and 2 shall also apply where the foreigner has already exercised his/her right to move to another Member State.

(4) (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 21/2021 effective 1.06.2021) The foreigner holding an EU Blue Card issued by another Member State of the European Union shall personally submit to the Migration Directorate or to a Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior a standard application form pursuant to the Rules for implementation of this Act, enclosing thereto the documents under Article 33k, Paragraph 5 and a certified copy of the EU Blue Card issued by the first Member State.

(5) (New, SG No. 21/2021, effective 1.06.2021) In the course of the



administrative proceedings to issue a residence permit of the EU Blue Card type, the provisions of Article 33k, Paragraphs 4 – 11 and Paragraphs 17 – 22 shall be applied in the cases under Paragraph (1).

### **Article 33m**

(New, SG No. 9/2011)

(1) An EU Blue Card holder may obtain long-term resident status in the Republic of Bulgaria if he/she has legally and continually resided in the territory of European Union Member States as an EU Blue Card holder for 5 years, the last two of which in the territory of the Republic of Bulgaria.

(2) The five-year period referred to in Paragraph 1 shall not be regarded as discontinued in case the Blue Card holder is absent from the territory of European Union Member States for the purpose of pursuing economic activities as an employee or a self-employed person for volunteering activities or for training in his/her country of origin, provided that the periods of absence are shorter than 12 consecutive months and do not exceed a total of 18 months over the 5-year period.

(3) An EU Blue Card holder who has acquired long-term resident status in the Republic of Bulgaria shall be issued a residence permit pursuant to the requirements of Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, with "former EU Blue Card holder" noted in the "Note" field.

### **Article 33n**

(New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 21/2021 effective 1.06.2021)

(1) For the first two years of highly qualified employment, the holder of an EU Blue Card may carry out activities, that meet the conditions under which he has been issued an EU Blue Card, in the territory of the Republic of Bulgaria only.

(2) During the term provided for in Paragraph (1), the holder of an EU Blue Card may change his/her employer only under the conditions stipulated in Article 33k.

(3) In case of unemployment, the holder of an EU Blue Card shall have the right to search for and start a job within three months after having registered with the Employment Agency within 7 working days, and may use employment mediation services according to the Employment Promotion Act.

(4) No unemployment period shall give the Director of the Migration Directorate or an official authorised thereby grounds to revoke an EU Blue Card or to refuse a residence extension to its holder, unless the unemployment period exceeds three consecutive months or occurs more than once within the validity period of the EU Blue Card.

(5) The right referred to in Paragraph (3) may be exercised once with the term of validity of the EU Blue Card.

(6) In case the holder of an EU Blue Card has not fulfilled the requirements laid down in Paragraphs (1), (2) and (5), as well as in case he/she has exercised the rights provided for in Paragraph (3) but has not started a job, the Director of the Migration Directorate or an official authorised thereby shall revoke or refuse to renew the EU Blue Card.

### **Article 33o**

(New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 21/2021 effective 1.06.2021)

(1) Members of an EU Blue Card holder's family may obtain a prolonged-stay permit valid for the EU Blue Card holder's term of residence in so far as permitted by the period of validity of the passport or the document substituting it. For a residence permit to be issued to members of the family, the requirements as per Article 24 (2) shall be satisfied.

(2) In case the family of an EU Blue Card holder has not gathered in the first

Member State, the procedure for family reunification, as stipulated in the Rules for implementation of this Act, shall apply thereto.

(3) For a prolonged residence permit to be granted to the members of an EU Blue Card holder's family, the foreigner in possession of a visa under Article 15, Paragraph 1 shall personally submit to the Migration Directorate or to the Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior a standard application form pursuant to the Rules for implementation of this Act, enclosing thereto:

1. a copy of a regular passport or a substituting document providing the pages with the photo and the personal data, the visa under Article 15, Paragraph 1, in case such a visa is required, as well as the stamp indicating the last entry into the country; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

2. a marriage certificate or a birth certificate;

3. medical documents as evidence of serious health issues in the cases under Article 2, Paragraph 4;

4. evidence of secured housing;

5. a compulsory medical insurance valid in the territory of the Republic of Bulgaria, in case the person is not insured under the Health Insurance Act;

6. evidence of means of subsistence that are stable, regular, foreseeable and sufficient not to resort to the national social assistance system and amounting to at least the minimum monthly salary or the minimum national pension, for the period of stay.

(4) To establish the facts and circumstances referred to in Article 26, Paragraph 4, the Migration Directorate or a Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior shall draw up a reasoned statement, the latter being enclosed to the application for issuing a permit under Paragraph (1).

(5) The application referred to in Paragraph (3) shall be submitted within 14 days prior to the expiry of the permitted term of residence of the foreigner in the territory of the Republic of Bulgaria. The application shall be considered and decided upon within 14 days. In legally and factually complicated cases and in case additional documents need to be presented, this time-limit may be extended by one month whereof the foreigner shall be notified in writing, indicating that the necessary documents and information shall be submitted within 14 days. If the additional documents and information have not been submitted within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit under Paragraph (1).

(6) The director of the Migration Directorate or an official authorised thereby shall issue or refuse to issue a prolonged-stay permit under Paragraph (1). Decisions taken on the basis of the application referred to in Paragraph (3) shall be notified in writing to the foreigner pursuant to the Code of Administrative Procedure.

(7) Where the holder of an EU Blue Card issued in another Member State moves to the Republic of Bulgaria pursuant to Article 33I, Paragraph 1 and his/her family has already been reunited in such Member State, the members of his/her family shall be allowed to accompany or join him/her. In case of expiry of the term of validity of the residence permit that those family members hold, and while the application is decided upon, they shall be issued a temporary residence permit.

(8) For a prolonged-stay permit to be obtained by a member of an EU Blue Card holder's family in the cases envisaged in Paragraph (7), the family member concerned shall submit to the Migration Directorate or to a Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior a standard application form pursuant to the Rules for implementation of this Act enclosing thereto:

1. a copy of a regular passport or a substituting document providing the pages with the photo, the personal data and the stamp indicating the last entry into the

country; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

2. proof that they have resided in the capacity of members of the family of a holder of EU Blue Card in the first European Union Member State;

3. a compulsory medical insurance valid in the territory of the Republic of Bulgaria, in case the person is not insured under the Health Insurance Act;

4. evidence of means of subsistence that are stable, regular, foreseeable and sufficient not to resort to the national social assistance system and amounting to at least the minimum monthly salary or the minimum national pension, for the period of stay;

5. evidence of secured housing.

(9) The application under Paragraph (8) shall be submitted within one month after the entry of the member of the family of the holder of EU Blue Card into the territory of Bulgaria.

(10) The application referred to in Paragraph (8) shall be considered and decided upon within 14 days. In legally and factually complicated cases and in case additional documents and information need to be presented, the time-limit may be extended by one month whereof the foreigner shall be notified in writing, indicating that the necessary documents or information shall be submitted within 14 days. If the additional documents or information have not been submitted within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a prolonged-stay permit under Paragraph (8).

(11) The director of the Migration Directorate or an official authorised thereby shall issue or refuse to issue a prolonged-stay permit under Paragraph (8). Decisions taken on the basis of the application referred to in Paragraph (8) shall be notified in writing to the member of the EU Blue Card holder's family pursuant to the Code of Administrative Procedure.

(12) Members of an EU Blue Card holder's family may obtain a separate prolonged-stay permit under the conditions provided for in Article 24f, Paragraph 4, the foreigner submitting to the Migration Directorate or to a Migration Department/Sector/Group at the Regional Directorates of the Ministry of Interior a standard application form pursuant to the Rules for implementation of this Act enclosing thereto:

1. a copy of a regular passport or a substituting document providing the pages with the photo and the personal data; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

2. evidence of secured housing;

3. evidence of means of subsistence that are stable, regular, foreseeable and sufficient not to resort to the national social assistance system and amounting to at least the minimum monthly salary or the minimum national pension;

4. a compulsory medical insurance valid in the territory of the Republic of Bulgaria, in case the person is not insured under the Health Insurance Act;

5. documents certifying the dissolution of marriage, or a birth certificate;

6. certificate by a school from the vocational education and training system or by a higher education institution in the territory of the Republic of Bulgaria.

(13) The application referred to in Paragraph (12) shall be considered and decided upon within 14 days. In legally and factually complicated cases and in case additional documents and information need to be presented, the time-limit may be extended by one month whereof the foreigner shall be notified in writing, indicating that the necessary documents or information shall be submitted within 14 days. If the additional documents or information have not been submitted within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit under Paragraph (12).

(14) The Director of the Migration Directorate or an official authorised thereby

shall issue or refuse to issue a prolonged-stay permit under Paragraph (12). Decisions taken on the basis of the application referred to in Paragraph (12) shall be notified in writing to the applicant pursuant to the Code of Administrative Procedure.

**Chapter Three "c"**  
**(New, SG No. 33/2016, effective 21.05.2016)**  
**RESIDENCE OF THIRD COUNTRY NATIONALS FOR PURPOSES OF INTRA-CORPORATE TRANSFER**

**Article 33p**

(New, SG No. 33/2016, effective 21.05.2016, supplemented, SG No. 24/2018 effective 23.05.2018, amended, SG No. 21/2021, effective 1.06.2021)

(1) Eligible for a permit granting prolonged residence rights to persons relocated as a result of intra-corporate transfer are foreign nationals satisfying the requirements for access to the labour market pursuant to the Labour Migration and Labour Mobility Act and who hold a visa in accordance with Article 15, Paragraph 1 or a permit for prolonged stay in the Republic of Bulgaria on the same grounds, in the cases of renewal. Upon initial application for a permit, the foreigner must reside outside the territory of the Republic of Bulgaria. Where the foreigner has been issued a residence permit, the term of validity of which expires in the course of the procedure for its renewal, he/she shall have the right to reside in the territory of the Republic of Bulgaria until his/her application has been ruled upon.

(2) The permit referred to in Paragraph (1) shall be issued for a period of one year, being renewed under the conditions of this Article. Where the validity term of the employment contract is shorter than one year, the permit shall be granted co-terminus with the validity term of the contract. The term of validity of the permit referred to in Paragraph (1) may be extended to a maximum of three years for managers and specialists, and of one year for trainee employees.

(3) The permit under Paragraph (1) shall be issued in accordance with the requirements laid down in Regulation (EC) No. 1030/2002 while observing a single application procedure and indicating "an intra-corporate transfer" in the "type of permit" field.

(4) An application for the issuance of the permit referred to in Paragraph (1) shall be submitted to the Migration Directorate or to the Migration Department/Sector/Group at Sofia Directorate of the Ministry of Interior or at the Regional Directorates of the Ministry of Interior by the employer or a person authorised thereby, or by the foreigner in person, in case he/she has already been granted a residence permit within 30 days prior to the expiry of the stay.

(5) The Migration Directorate, the Migration Department/Sector/Group at Sofia Directorate of the Ministry of Interior or at the Regional Directorates of the Ministry of Interior shall provide information concerning all documents required to obtain the permit, as well as the foreigner's rights and obligations arising under the permit.

(6) The application shall be submitted in a standard form pursuant to the Rules for implementation of this Act, wherein an electronic address for correspondence shall be indicated and whereto there shall be attached:

1. a copy of a regular passport or a substituting document providing the pages with the photo and the personal data; the period of validity of the passport or the document substituting it shall cover at least the period of validity of the permit for the purposes of the intra-corporate transfer; it must have been issued in the last 10 years;

2. a criminal record certificate issued by the State of which the foreigner is a national or by the State of his or her habitual residence, upon initial submission of an application for the issuance of the permit referred to in Paragraph (1);

3. evidence of secured housing;

4. reasons for the request whereby the employer states the facts and circumstances necessitating the temporary relocation of the foreigner for the purposes of the intra-corporate transfer;

5. a document for completed higher education, legalised and supported by a certified translation – for the position of a trainee employee;

6. a reference declaration by the employer concerning the foreigners employed by the company under an employment contract, indicating the names according to passport, date of birth, citizenship, grounds for and term of residence;

7. a declaration by the employer that the working and payment conditions have been complied with and that they are not less favourable than the conditions for the Bulgarian citizens coming under respective category of labour – upon initial submission of an application;

8. a document proving that the host enterprise and the enterprise established in the third country belong to the same enterprise or group of enterprises, which document has been legalised according to Bulgarian legislation and is accompanied by a Bulgarian translation certified by a notary public or by the Consular Relations Directorate at the Ministry of Foreign Affairs;

9. a document containing information about the duration of the transfer, legalised according to Bulgarian legislation and accompanied by a Bulgarian translation certified by a notary public or by the Consular Relations Directorate;

10. documents legalised according to Bulgarian legislation and certifying that the foreigner:

a) has worked at the same enterprise or group of enterprises for at least 12 consecutive months right before the date of the application – for the managers and specialists, and for at least 6 consecutive months – for the trainee employees;

b) has the necessary professional experience and qualification – for the position of a manager and a specialist;

c) has been relocated as a result of intra-corporate transfer;

d) will continue to work at the enterprise established in the third country after the transfer period expires;

11. a copy of the training agreement related to the preparation of the trainee's future position within the enterprise or the group of enterprises, accompanied by a description of the training programme – for the trainee employees; the training programme shall explicitly state that the purpose of the employment of the third-country national worker is professional development or training in the field of business techniques or methods, as well as the duration of the programme and the conditions under which the trainee will be guided in the course of the programme;

12. a compulsory medical insurance valid in the territory of the Republic of Bulgaria for the entire duration of residence, if the foreigner is not insured under the Health Insurance Act and has been granted prolonged residence in the territory of the Republic of Bulgaria.

(7) In case the application referred to in Paragraph (6) has been submitted to a Migration Department/Sector/Group at Sofia Directorate of the Ministry of Interior or the Regional Directorates of the Ministry of Interior, it, along with the documents enclosed thereto, shall be sent immediately by electronic means to the Migration Directorate and to the territorial directorates of the State Agency for National Security. The application and the documents attached thereto shall also be sent in the original within three days and shall be supported by a document verifying the address in case of doubt that the foreigner will not live at the indicated address.

(8) The Migration Directorate shall conduct an examination of the documents referred to in Paragraph (6), and, in the event of a missing document, as well as of the need to provide additional documents, it shall notify the applicant electronically of these circumstances and shall set a 7-day time-limit for providing the documents. In case the documents have not been presented within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate

the procedure to grant a prolonged residence permit to a person who has been relocated due to intra-corporate transfer.

(9) The Migration Directorate shall send electronically to the Employment Agency the applications referred to in Paragraph (6) that are still under the procedure, together with the documents enclosed thereto, within 14 days as of submitting the application, and the documents under Paragraph 6, Items 5, 8, 9 and 10 shall be sent in the original. Where the foreigner has been granted a prolonged-stay permit in the territory of the Republic of Bulgaria, a reference as to his/her right of residence shall be attached to the application. The Migration Directorate shall send electronically the application and all documents enclosed thereto to the State Agency for National Security which, within 14 days, shall send a written statement under Article 41, Paragraph 1, Item 2 of the State Agency for National Security Act if the person is located in the territory of the country, and, in the cases under Paragraph (14), within 10 days after presenting an opinion on the visa application referred to in Article 15, Paragraph 1.

(10) Within 14 days as of the receipt of the application at the Employment Agency, its Executive Director shall send electronically to the Migration Directorate a written statement on the presence or lack of grounds to grant access to the labour market for the purpose of intra-corporate transfer.

(11) Upon irregularities established in the documents, as well as in case of need for the applicant to provide additional documents, the Employment Agency shall notify the Migration Directorate by electronic means within 7 days. The time-limit under Paragraph (10) shall be suspended until receipt of the required documents.

(12) The Migration Directorate shall notify the applicant electronically of the circumstances under Paragraph (11) and shall set a 7-day time-limit for removing the irregularities or submitting the required documents. In case the irregularities have not been removed or the documents have not been presented within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure to grant the prolonged residence permit to a person who has been relocated due to intra-corporate transfer, and shall notify the Employment Agency thereof.

(13) Where the application referred to in Paragraph (6) has been submitted by an employer or a person authorised thereby, the Migration Directorate shall send an electronic message to the employer within three days as of the receipt of the positive statements under Paragraphs (9) and (10) wherein it shall be stated that, as regards the foreigner, there are grounds for granting a prolonged-stay permit to a person relocated as a result of intra-corporate transfer. The Migration Directorate shall send the notification to the Consular Relations Directorate at the Ministry of Foreign Affairs as well.

(14) The employer shall notify the foreigner of the communication under Paragraph (13), and, within 20 days after sending the message referred to in Paragraph (13) to the employer, the foreigner shall take actions to submit an application for the issuance of a visa under Article 15, Paragraph 1. In the cases of refusal to issue a visa under Article 15, Paragraph 1, the Consular Relations Directorate at the Ministry of Foreign Affairs shall notify the Migration Directorate.

(15) Where the application has been submitted by the employer or a person authorised thereby, the foreigner who has entered the territory of the Republic of Bulgaria with a visa under Article 15, Paragraph 1 shall, within 7 days after his/her entry, appear in person before the Migration Directorate or the Migration Department/Sector/Group at Sofia Directorate of the Ministry of Interior or the Regional Directorates of the Ministry of Interior and shall attach to the application referred to in Paragraph (6) a copy of his/her passport containing the page whereto the visa has been affixed, as well as a compulsory medical insurance valid in the territory of the Republic of Bulgaria for the entire duration of the stay in case the person is not insured under the Health Insurance Act. The documents submitted to

the Migration Department/Sector/Group at Sofia Directorate of the Ministry of Interior or to the Regional Directorates of the Ministry of Interior shall be sent promptly by electronic means to the Migration Directorate. In case the documents have not been presented within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure to grant the prolonged residence permit to a person who has been relocated due to intra-corporate transfer.

(16) The Director of the Migration Directorate or an official authorised thereby shall, within three days as of submitting the documents referred to in Paragraph (15), issue or refuse to issue a prolonged residence permit to a person who has been relocated as a result of intra-corporate transfer in case the application has been submitted by the employer or a person authorised thereby.

(17) The Director of the Migration Directorate or an official authorised thereby shall issue or refuse to issue a prolonged-stay permit to a person who have been relocated as a result of intra-corporate transfer, within 60 days as of submitting the application in case the foreigner has been granted the right to reside in the territory of the Republic of Bulgaria on a long-term basis.

(18) In legally and factually complicated cases, the time-limit to consider the application may be extended by one more month whereof the employer or the foreigner shall be notified in writing. If necessary, documents and information shall be submitted within 14 days as of receipt of the notification. In case the additional documents and information have not been submitted within the specified time-limit, the procedure to grant a permit under Paragraph (1) shall be terminated.

(19) The procedure to issue a prolonged-stay permit to a person who has been relocated as a result of intra-corporate transfer shall not exceed three months.

(20) The employer shall notify the Migration Directorate of any change affecting the admission criteria, which change has occurred in the course of the application procedure, and of the termination of the foreigner's transfer, within three days as of the date of the change or the termination of employment.

(21) A permit under Paragraph (1) shall not be issued to foreigners who have obtained the right to a prolonged stay on the grounds of Article 24, Paragraph 1, Item 1, Article 24b, Article 24c or Article 24m, and to family members of European Union citizens who have exercised or are exercising their right to free movement within the European Union and have obtained a residence permit as provided for by the European Union Citizens, Who Are Not Bulgarian Citizens, And Members Of Their Families Entry And Residence In And Departure From The Republic Of Bulgaria Act.

(22) Decisions taken on the basis of the application shall be notified to the applicant pursuant to the Code of Administrative Procedure.

### **Article 33q**

(New, SG No. 33/2016, effective 21.05.2016, amended, SG No. 24/2018 effective 23.05.2018, SG No. 21/2021, effective 1.06.2021)▫

(1) Members of the family of the holder of a permit issued in connection with intra-corporate transfer may be granted a prolonged residence permit on the grounds of Article 24, Paragraph 1, Item 13 for the term of residence of the holder of the permit, provided that they satisfy the requirements of Article 24, Paragraph 2, and upon a positive decision to reunite a foreigner's family.

(2) For a prolonged-stay permit to be granted to the members of the family of the holder of a permit concerning a person relocated as a result of intra-corporate transfer, the said family member shall personally submit to the Migration Directorate or the Migration Department/Sector/Group at Sofia Directorate of the Ministry of Interior or the Regional Directorates at the Ministry of Interior a standard application form pursuant to the Rules for implementation of this Act, enclosing thereto:

1. a copy of a regular passport or a substituting document providing the pages with the photo and the personal data, a visa under Article 15, Paragraph 1, in case such a visa is required, as well as the stamp indicating the last entry into the

country; to verify the authenticity of the copy, the original of the passport or the substituting document shall also be presented;

2. a marriage certificate or a birth certificate;

3. evidence of secured housing;

4. a compulsory medical insurance valid in the territory of the Republic of Bulgaria, in case the person is not insured under the Health Insurance Act;

5. evidence of means of subsistence that are stable, regular, foreseeable and sufficient not to resort to the national social assistance system and amounting to at least the minimum monthly salary or the minimum national pension, for the period of stay.

(3) To establish the facts and circumstances referred to in Article 26, Paragraph 4, the Migration Directorate or a Migration Department/Sector/Group at Sofia Directorate of the Ministry of Interior or the Regional Directorates of the Ministry of Interior shall draw up a reasoned statement which shall be attached to the application envisaged in Paragraph (2).

(4) The permit under Paragraph (1) shall be issued with a term of validity corresponding to the term of residence of the holder of the intra-corporate transfer permit, as long as the term of validity of the national passports or the documents substituting them covers the requested term of residence.

(5) The application referred to in Paragraph (2) shall be submitted within 14 days prior to the expiry of the permitted term of residence of the family member in the territory of the Republic of Bulgaria. It shall be considered and decided upon within 14 days. In legally and factually complicated cases and in case additional documents and information need to be presented, the said time-limit may be extended by one month whereof the family member shall be notified in writing, indicating that the necessary documents and information shall be submitted within 14 days. If the additional documents or information have not been submitted within the specified time-limit, the Director of the Migration Directorate or an official authorised thereby shall terminate the procedure for the issuance of a permit under Paragraph (1).

(6) The Director of the Migration Directorate or an official authorised thereby shall issue or refuse to issue a prolonged-stay permit to a member of the family of a person who has been relocated as a result of intra-corporate transfer. Decisions taken on the basis of the application referred to in Paragraph (2) shall be notified in writing to the applicant pursuant to the Code of Administrative Procedure.

### **Article 33r**

(New, SG No. 33/2016, effective 21.05.2016, amended, SG No. 21/2021 effective 1.06.2021)

(1) The holder of a valid residence permit issued in connection with intra-corporate transfer by a first Member State shall be entitled to reside in the territory of the Republic of Bulgaria as a second Member State for a period of up to 90 days within each 180-day period.

(2) In the cases under Paragraph (1) and immediately after admitting the person, the receiving enterprise in the first Member State shall notify the competent authorities of the first Member State and of the Republic of Bulgaria of the planned relocation under an intra-corporate transfer to an enterprise in the territory of the Republic of Bulgaria within the validity term of the permit issued by the first Member State.

(3) In the cases referred to in Paragraph (1), the competent authorities of the first Member State shall notify the Republic of Bulgaria of the planned stay, its duration, start and end date, and shall present the following documents:

1. a valid residence permit;

2. a regular passport or a substituting document;

3. evidence of secured housing;



4. a compulsory medical insurance;  
5. an employment contract;  
6. a document proving that the host enterprise and the enterprise established in the third country belong to the same enterprise or group of enterprises, which document has been legalised according to Bulgarian legislation and is accompanied by a Bulgarian translation certified by a notary public or by the Consular Relations Directorate at the Ministry of Foreign Affairs;

7. a document legalised pursuant to Bulgarian legislation, certifying that the foreigner has the necessary professional experience and qualification for holding the respective position;

8. a declaration by the employer that the working and payment conditions have been complied with and that they are not less favourable than the conditions for the Bulgarian citizens coming under respective category of labour.

(4) The planned stay under Paragraph (1) may take place after the expiry of the period for objection by the Migration Directorate to the first Member State, which period shall not exceed 20 days as of the receipt of the complete notification.

(5) The objection under Paragraph (4) may be raised provided that the conditions referred to in Paragraph 3, Items 5, 6, 7 or 8 have not been satisfied, the submitted documents have been obtained by fraud or have been counterfeited, as well as when the maximum duration of intra-corporate transfer under Paragraph (1) or under Article 33p, Paragraph 2 has been reached.

(6) In the event of an objection under Paragraph (4), the Migration Directorate shall notify the competent authorities of the first Member State and the host enterprise in the first Member State. In case the mobility has not started, the person shall not be entitled to work in the Republic of Bulgaria as part of an intra-corporate transfer. If the mobility has started, the Director of the Migration Directorate or an official authorised thereby shall issue an order that the person relocated as a result of intra-corporate transfer should terminate all employment immediately and leave the territory of the Republic of Bulgaria in case:

a) the Migration Directorate has not been notified of the planned stay referred to in Paragraph (2);

b) the Migration Directorate has raised an objection against the mobility pursuant to Paragraph (5);

c) the Migration Directorate has refused a long-term mobility under Article 33s, Paragraph 1;

d) the permit granted to the person relocated as a result of intra-corporate transfer or the permit for a long-term mobility is used for purposes other than those it has been issued for;

e) the grounds whereon the mobility has been authorised have ceased to exist;

f) the term of the residence permit issued by the first Member State has expired or the first Member State has revoked it during the mobility carried out in the Republic of Bulgaria.

(7) In the event of an order issued pursuant to Paragraph (6), the Migration Directorate shall send a request to the first Member State to admit the person relocated as a result of intra-corporate transfer and, where applicable, the members of his/her family.

(8) In the event of a request addressed to the Republic of Bulgaria, as the first Member State to issue a permit to a person relocated as a result of intra-corporate transfer, by a second Member State which has considered an application by the foreigner for a short-term or long-term mobility, the Republic of Bulgaria shall immediately readmit, without formalities, the foreigner to the territory of the country and, where applicable, his/her family members in one of the following cases:

1. the second Member State has not been notified of the planned stay;
2. the second Member State has raised an objection to the mobility;

3. the second Member State has refused a long-term mobility;
4. the permit granted to the person relocated as a result of intra-corporate transfer or the permit for a long-term mobility is used for purposes other than those it has been issued for;
5. the grounds whereon the mobility has been authorised have ceased to exist;
6. the term of the residence permit issued by the Republic of Bulgaria has expired or the Republic of Bulgaria has revoked it during the mobility carried out in the second Member State.

### **Article 33s**

(New, SG No. 33/2016, effective 21.05.2016, amended, SG No. 21/2021 effective 1.06.2021)

(1) The holder of a valid residence permit issued in connection with intra-corporate transfer by a first Member State shall be entitled to reside for a period of more than 90 days in the territory of the Republic of Bulgaria as a second Member State, provided that he/she satisfies the conditions for access to the labour market pursuant to the Labour Migration and Labour Mobility Act.

(2) The holder of the permit referred to in Paragraph (1) shall be granted a mobility permit in connection with intra-corporate transfer pursuant to the requirements laid down in Regulation (EC) No. 1030/2002, whereby the "note" field shall be filled in with the words "mobile ICT".

(3) The Migration Directorate shall notify the competent authorities of the first Member State of each instance of issuance of ICT mobility permit.

(4) The first Member State shall notify the Ministry of Interior of each instance of revocation of a permit issued to a person relocated in intra-corporate transfer.

(5) The receiving enterprise shall inform the Migration Directorate of any possible changes concerning the conditions upon which mobility has been allowed when the Republic of Bulgaria is the second Member State.

(6) The holder of a permit concerning a person relocated as a result of intra-corporate transfer, which permit has been issued by the first Member State, shall submit in person to the Migration Directorate or to a Migration Department/Sector/Group at Sofia Directorate of the Ministry of Interior or the Regional Directorates of the Ministry of Interior a standard application form pursuant to the Rules for implementation of this Act whereto the holder shall enclose the documents referred to in Article 33p, Paragraph 6, as well as a copy of the residence permit issued by the first Member State for the purposes of the intra-corporate transfer. In these cases, no visa under Article 15, Paragraph 1 shall be required.

(7) Article 33p, Paragraphs (5) to (12), (17) to (20) and (22) shall be applied in the course of the administrative proceedings to obtain right of residence in the cases under Paragraph (1).

(8) Until a submitted application is decided upon, the person referred to in Paragraph (1) shall have the right to work in the territory of the Republic of Bulgaria, provided that the term under Article 33r, Paragraph 1 and the term of validity of the permit issued by the first Member State have not expired, as well as when the application is fully compiled.

(9) As a person relocated due to intra-corporate transfer, the holder of a valid residence permit issued by the first Member State, who has been permitted to stay for a period of less than 90 days, may apply for a residence permit for more than 90 days in the territory of the Republic of Bulgaria at least 20 days prior to the end of the initially permitted stay. An application for a long-term mobility shall not be submitted at the same time as a notification for a short-term mobility.

## **Chapter Four FOREIGNERS LEAVING THE REPUBLIC OF BULGARIA**

#### **Article 34**

(Amended, SG No. 97/2016)▫

Each foreigner shall be obligated to leave Bulgaria upon or before expiry of the authorised duration of stay.

#### **Article 35**

(1) A foreigner staying on a short-term basis whose foreign-travel document has been replaced by a new one shall be allowed to leave this country after he shall have notified thereof the services exercising administrative control over foreigners, unless otherwise provided in an international agreement to which the Republic of Bulgaria is a party.

(2) Any foreigner who holds a prolonged-stay permit may leave and re-enter Bulgaria without a visa until expiry of the authorised duration of residence.

(3) (Supplemented, SG No. 9/2011) Any foreigner who holds a long-term or permanent residence permit may leave and re-enter Bulgaria without a visa.

(4) (New, SG No. 97/2016, amended, SG No. 34/2019) Where the validity term of a prolonged residence permit has expired before the return to the country, the foreigner may enter the Republic of Bulgaria by a visa under Article 15, paragraph 1, which shall be issued under a procedure set out in the ordinance under Article 9f, paragraph 1.

#### **Article 36**

(Amended, SG No. 97/2016)▫

Foreigners may exit the Republic of Bulgaria through the places designated therefor on the grounds of passports and substituting travel documents entitling them to leave the country.

#### **Article 37**

No foreigner shall be allowed to leave this country in case a coercive administrative measure has been imposed upon him to prevent him from leaving.

#### **Article 38**

A foreigner leaving the Republic of Bulgaria by vehicle, either by land, or by air, or by water, must be in possession of all documents as per Article 21, paragraph (1), subparagraphs 2 and 3, as well as a permission, if required, to export the vehicle.

#### **Article 39**

The surrender of foreigners extraditable because of a crime commission shall be effected under the terms and procedures established by the laws of Bulgaria and by the international treaties whereto the Republic of Bulgaria is a signatory.

## **Chapter Five MEASURES OF ADMINISTRATIVE COMPULSION**

### **Section I Coercive Administrative Measures**

#### **Article 39a**

(New, SG No. 42/2001)

(1) (Previous text of Article 39a, SG No. 23/2013, effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania – amended, SG No. 56/2018)▫ The following coercive administrative measures may be imposed on foreigners under this Act:

1. withdrawal of the entitlement to reside in the Republic of Bulgaria;
2. (amended, SG No. 97/2016)▫ return to the country of origin, country of transit, or a third country;

3. expulsion;

4. (amended, SG No. 23/2013, (\*) effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania, supplemented, SG No. 70/2013, (\*) amended, SG No. 56/2018) bar to entering and residing within the territory of European Union Member States;

5. bar to leaving the Republic of Bulgaria.

(2) (New, SG No. 23/2013) The application of coercive administrative measures referred to in Paragraph 1, items 2 and 3, shall be monitored by the Ombudsman of the Republic of Bulgaria or authorized officials of the Ombudsman's administration and by representatives of national or international non-governmental organizations.

#### **Article 39b**

(New, SG No. 36/2009)

(1) (Amended, SG No. 23/2013) The order imposing the coercive administrative measure under Article 39a, paragraph 1, items 1 and 2, shall specify a period of between 7 and 30 days wherein the foreigner is to fulfill voluntarily his/her obligation to return.

(2) (Supplemented, SG No. 9/2011) To be granted a period of more than 30 days to leave Bulgaria voluntarily, the foreigner shall file an application to the relevant competent authority which issued the order referred to in paragraph 1, which shall pass a ruling and notify the foreigner within three days. In such cases, the specific circumstances in each individual instance shall be taken into consideration, such as: duration of stay, health status, needs of vulnerable groups, children attending school, and other family and social relations. The time limit for leaving Bulgaria voluntarily may be extended by up to one year.

(3) When the foreigner has been allowed to leave voluntarily, but there is the risk that he/she might go into hiding, the competent authority which issued the order referred to in paragraph 1 may issue an order for daily appearance at the territorial structure of the Ministry of Interior exercising jurisdiction over the place of residence of the foreigner.

(4) In case the person poses a threat to national security or public order, the relevant competent authority shall not grant a period wherein such person can leave voluntarily.

#### **Article 40**

(Amended, SG No. 42/2001)

(1) Revocation of a foreigner's right to stay in the Republic of Bulgaria shall be imposed in the event that:

1. (amended, SG No. 36/2009, SG No. 9/2011, amended and supplemented SG No. 16/2013, supplemented, SG No. 70/2013, effective 24.12.2013, amended and supplemented, SG No. 108/2013, supplemented, SG No. 33/2016, effective 21.05.2016, SG No. 97/2017, SG No. 24/2018, effective 23.05.2018, amended, SG No 34/2019, SG No. 21/2021) the grounds referred to in Article 24, Article 24a, Article 24b, Article 24c, Article 24f, Article 24h, Article 24i, Article 24k, Article 24m, Article 24n, Article 24o, Article 24p, Article 25, Paragraph 1, Items 6, 7, 8, 13, 16 and 17, Article 25c, Article 25d, Article 33a, Article 33d, Article 33k, Article 33l, Article 33p and Article 33s herein have lapsed, as well as in the cases where the investment for which a foreigner has been granted a permanent residence permit has been terminated or transferred to another person within the time-limit under Article 25, Paragraph 11, or has been reduced below the statutory minimum amount, or has ceased to comply with the requirements laid down in Article 25, Paragraph 12, regardless of the reasons for the said termination, transfer or reduction;

2. (supplemented, SG No. 36/2009, SG No. 9/2011, amended, SG No 21/2021) the grounds referred to in Article 10, Paragraph 1, Items 1 - 4, 6 - 11, 14,

16, 20 - 22 and 26 are in place, as well as in the cases under Article 26, Paragraph 3;

3. it has been established that the information provided for the purpose of achieving such right is incorrect;

4. (supplemented, SG No. 36/2009, amended, SG No. 9/2011) the marriage has been dissolved prior to the lapse of 7 years after the contracting thereof in the cases referred to in item 2 of Article 25 (1) herein;

5. (amended, SG No. 36/2009, SG No. 16/2013, supplemented, SG No 23/2013, amended, SG No. 97/2017) the foreigner has failed to settle in Bulgaria within one year after the grant of a permit and does not reside within Bulgarian territory, exception in the cases referred to in items 6, 7, 8, 13, 16 of Article 25 (1) and Article 25d herein and in relation to a foreigner's family members referred to in Article 25 (1), items 6, 7, 8, 13 and 16 herein;

6. (amended, SG No. 36/2009, SG No. 9/2011, SG No. 21/2012, SG No 16/2013, SG No. 97/2017, supplemented, SG No. 28/2020, effective 13.03.2020) it is established that the relevant foreigner holding a long-term or permanent residence permit has been away from the territory of the European Union Member States for a period exceeding 12 consecutive months, except in the cases where permanent residence has been permitted pursuant to Article 25, Paragraph 1, items 6, 7, 8, 13 and 16 and in respect of members of the family of a person under Article 25, Paragraph 1, items 6, 7, 8, 13, and 16 for the duration of a declared state of emergency, the absence of an alien holding a long-term or permanent residence permit from the territory of the Member States of the European Union shall not be considered as an absence for a period of 12 consecutive months;

7. (new, SG No. 52/2007, amended and supplemented, SG No. 9/2011) the refugee status or refugee temporary protection or the humanitarian status granted under the Asylum and Refugees Act are revoked or terminated;

8. (new, SG No. 52/2007) asylum granted under the Asylum and Refugees Act is revoked;

9. (new, SG No. 9/2011) the relevant foreigner holding a long-term residence permit has acquired long-term resident status in another European Union Member State;

10. (new, SG No. 9/2011, supplemented, SG No. 97/2017) it is established that the marriage with a Bulgarian citizen has been dissolved prior to the lapse of 5 years after the contracting thereof, except in the cases referred to in Article 24m and Article 25d;

11. (new, SG No. 9/2011) the relevant EU Blue Card holder who has obtained a long-term residence permit in the Republic of Bulgaria or the members of his/her family holding long-term residence permits have been away from the territory of the European Union Member States for 24 consecutive months;

12. (new, SG No. 9/2011, amended and supplemented, SG No. 33/2016, effective 21.05.2016) it is established that the relevant EU Blue Card holder or a permit issued to a person relocated as a result of an intra-corporate transfer resides in Bulgaria for a purpose other than the one wherefor he/she was granted the residence permit, or such holder has violated the labour access rules provided for by the Labour Migration and Labour Mobility Act;

13. (new, SG No. 97/2017) a member of the family of a Bulgarian citizen who has been granted the right to permanent residence as provided for by Article 25d has been outside the Republic of Bulgaria for a period longer than two consecutive years.

(2) (Amended, SG No. 9/2011, effective after the entry into force of the decision of the Council of the European Union on the full application of the provisions of the Schengen acquis by the Republic of Bulgaria – amended, SG No. 56/2018) In the cases referred to in Article 10, Paragraph 1, Item 19, entitlement to residence may be withdrawn after consultations with the Member State which issued the alert for the purposes of refusing entry are held.

(3) (New, SG No. 9/2011) Entitlement to long-term residence shall be

withdrawn in the cases referred to in Paragraph 1, Items 3, 6, 9 and 11 and Article 42, Paragraph 1 where the foreigner poses a real and serious risk to national security and public order.

(4) (New, SG No. 9/2011, supplemented, SG No. 97/2017) In any case, after a 6-year absence from the territory of the Republic of Bulgaria, entitlement to long-term or permanent residence shall be withdrawn, except in the cases referred to in Article 25d.

(5) (New, SG No. 9/2011) The residence entitlement of a foreigner who has obtained a residence permit for the Republic of Bulgaria pursuant to the procedure provided for in Chapter Three "a" and of the members of his/her family shall be withdrawn in the cases referred to in Paragraph 1, Items 1 and 2, except in the cases referred to in Article 10, Paragraph 1, Item 8 and where such persons do not reside legally in the territory of Bulgaria.

(6) (New, SG No. 29/2007, renumbered from Paragraph 3, supplemented, SG No. 9/2011) A copy of the effective order withdrawing the entitlement of a foreigner to reside in the Republic of Bulgaria on a long-term or permanent basis shall be sent to the municipality of his/her permanent address to be entered into the register of the population.

#### **Article 41**

(Amended, SG No. 42/2001, SG No. 97/2016)

Return shall be required where:

1. the concerned foreigner is unable to evidence that he has entered this country lawfully;

2. (amended, SG No. 36/2009) the foreigner fails to leave Bulgaria upon or before expiry of the authorised duration of residence thereof, or within the time-limits referred to in Article 39b;

3. (amended, SG No. 97/2016) it is established that the foreigner has entered Bulgaria and resides therein under a counterfeit or forged passport or a substituting travel document;

4. (new, SG No. 97/2016, amended, SG No. 89/2020) with regard to the foreigner, there is a final decision for refusal, termination or withdrawal of international protection or asylum; return is required after written confirmation by the State Agency for Refugees and in case the proceedings under the Asylum and Refugees Act are terminated by a final decision and the foreigner has not requested that the examination of his application be completed;

5. (new, SG No. 97/2016) it is established that the foreigner has entered across the country's border according to the statutory procedure, but is trying to exit it not through the locations determined for this purpose or with a false or forged passport or a substituting travel document.

#### **Article 41a**

(New, SG No. 97/2017)

A foreigner who has been imposed an administrative enforcement measure under Article 41 may be issued a European Travel Document for Return in accordance with the requirements of Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 (OJ, L 311/13 of 17 November 2016) in accordance with a procedure laid down in the Regulation on the Implementation of this Act.

#### **Article 42**

(Amended, SG No. 42/2001)

(1) (Amended, SG No. 23/2013) Expulsion of a foreigner shall be imposed where:

1. the presence thereof in Bulgaria poses a serious risk to national security or to public order;

2. the provisions of Article 10(1), items 1 - 4 are invoked.

(2) (Amended, SG No. 23/2013, (\*) effective after the entry into force of the decision of the Council of the European Union on the full application of the provisions of the Schengen acquis by the Republic of Bulgaria, supplemented, SG No. 70/2013, (\*) amended, SG No. 56/2018) The entitlement of the foreigner to reside in the Republic of Bulgaria shall be forfeited and a bar on entering and residing within the territory of European Union Member States shall be imposed concurrently with the imposition of the coercive administrative measure referred to in Paragraph (1).

(3) (New, SG No. 9/2011) A foreigner holding a residence permit or another permit granting residence entitlement as issued by another Member State shall also be expelled if he/she fails to return to that Member State within 7 days after it is established that he/she resides in Bulgaria illegally.

(4) (New, SG No. 9/2011, supplemented, SG No. 23/2013) Before expulsion is imposed on a foreigner holding a long-term residence permit, the length of the foreigner's stay in the Republic of Bulgaria, his/her age, health status, family status, social integration and existing relations in Bulgaria or the lack of relations with the country of origin shall be considered. Expulsion cannot be based on economic reasons.

(5) (New, SG No. 97/2017) Where the expulsion order issued in respect of a member of the family of a Bulgarian citizen who had been granted entitlement to reside as provided for by Article 24m or Article 25d is not yet enforced more than two years after the entry into force thereof, the body which issued such order shall check whether the factual grounds for the issuance thereof are still at hand. Where such factual grounds are no longer at hand, the order shall be cancelled.

(6) (New, SG No. 97/2017) A member of the family of a Bulgarian citizen who had been granted entitlement to reside as provided for by Article 24m or Article 25d and on whom expulsion has been imposed, may not be expelled to a state where his/her life and liberty would be endangered and where he/she would be at risk of persecution, torture or inhuman or degrading treatment.

#### **Article 42a**

(New, SG No. 29/2007)

A foreigner residing on the territory of the Republic of Bulgaria to whom an expulsion decision has been issued by the competent authorities of another European Union Member State shall also be expelled.

#### **Article 42b**

(New, SG No. 29/2007)

(1) The expulsion referred to in Article 42a shall be carried out when the expulsion decision has not been cancelled or suspended from execution by the European Union Member State that has issued it also when:

1. the foreigner poses a serious and real threat to public order or to national security due to the fact that:

a) there is a sentence in relation to him/her for a crime for which imprisonment of at least one year has been imposed;

b) there is sufficient data that he/she has committed a serious crime or there is sufficient data of his/her intention to commit such a crime on the territory of a European Union Member State;

2. the decision to expel the foreigner shall be on the grounds that he/she does not comply with the provisions of the legislation on entering and residing of foreigners in the European Union Member State that has issued it.

(2) In the cases referred to paragraph 1, item 1 when the foreigner holds a residence permit for the Republic of Bulgaria Article 42, paragraph 2 shall also apply.

#### **Article 42c**

(New, SG No. 29/2007)

(1) The expulsion referred to in Article 42a shall be carried out after receiving from the competent authorities of the European Union Member State that has issued the expulsion decision confirmation that it has not been cancelled or suspended as well as documents confirming the identity of the foreigner.

(2) (Amended, SG No. 77/2018, effective 1.01.2019) The execution of the expulsion decision issued by the competent authorities of another European Union Member State may be contested under the procedure of Article 46.

#### **Article 42d**

(New, SG No. 29/2007)

The expulsion referred to in Article 42a shall not be executed when a special law or an international agreement to which the Republic of Bulgaria is a party provide otherwise.

#### **Article 42e**

(New, SG No. 29/2007)

The authorities of the Ministry of the Interior shall notify the competent authorities of the other European Union Member State that have issued the expulsion decision of its execution or of the existence of grounds for its non-execution.

#### **Article 42f**

(New, SG No. 29/2007)

When expulsion cannot take effect at the expense of the foreigner that is being expelled the authorities of the Ministry of the Interior shall notify the competent authorities of the other European Union Member State that have issued the expulsion decision of the costs incurred in relation with its execution. The procedure for the notification shall be set out in the Regulation on the implementation of this act.

#### **Article 42g**

(New, SG No. 29/2007, supplemented, SG No. 109/2007)□

The authorities of the Ministry of the Interior and to the State Agency for National Security on the grounds of Article 42b, paragraph 1 may issue an expulsion order and require its execution by the competent authorities of the other European Union member-state in relation to a foreigner residing on its territory.

#### **Article 42h**

(New, SG No. 42/2001, renumbered from Article 42a, SG No. 29/2007)

(1) (Supplemented, SG No. 9/2011, amended, SG No. 23/2013, (\*) effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania, SG No. 70/2013, (\*) amended, SG No. 56/2018) A bar on entering the territory of European Union Member States shall be imposed when:

1. the grounds referred to in Article 10(1) exist;
2. no time limit has been given for the person to leave Bulgaria voluntarily under the conditions set out in Article 39b(4);
3. the foreign national concerned breaches his/her obligation to return.

(2) (Repealed, SG No. 9/2011).□

(3) (Amended and supplemented, SG No. 36/2009, amended, SG No. 23/2013 (\*) effective after the entry into force of the decision of the Council of the European Union on the full application of the provisions of the Schengen acquis by the Republic of Bulgaria, supplemented, SG No. 70/2013, (\*) amended, SG No. 56/2018) A bar on entering and residing within the territory of European Union Member States shall be imposed for a period not exceeding five years. A bar on entering and residing within the territory of European Union Member States may be imposed for a period longer



than five years where the relevant person poses a serious threat to public order or to national security.

(4) (Amended and supplemented, SG No. 9/2011) A bar on entry may be imposed simultaneously with the coercive administrative measure referred to in Item 2 of Article 40, Paragraph 1 or in Article 41 herein, when the grounds covered under Article 10, Paragraph 1 herein exist.

#### **Article 43**

(Amended, SG No. 70/1999, SG No. 42/2001)

(1) A bar on leaving the Republic of Bulgaria shall be imposed on a foreigner who:

1. has been convicted by an effective sentence and has not served the custodial sentence as imposed;

2. (amended, SG No. 37/2003, repealed, SG No. 23/2013);

3. (amended, SG No. 45/2002, repealed, SG No. 23/2013);

(2) (Repealed, SG No. 9/2011).

(3) (Amended, SG No. 97/2016) A Bulgarian national under 18 years of age who also holds another citizenship, and one of whose parents is a Bulgarian citizen and has not granted a written consent to his/her travel abroad, shall be barred from leaving the Republic of Bulgaria.

#### **Article 44**

(Amended, SG No. 42/2001)

(1) (Amended, SG No. 54/2002, SG No. 103/2003, SG No. 82/2006, SG No. 29/2007, supplemented, SG No. 109/2007, amended, SG No. 36/2009, supplemented SG No. 93/2009, effective 25.12.2009, amended, SG No. 44/2012, effective 1.07.2012 SG No. 52/2013, effective 14.06.2013, SG No. 53/2014, SG No. 14/2015 supplemented, SG No. 21/2021) Coercive administrative measures shall be imposed by an order of the Chairperson of the State Agency for National Security, the Directors of the National Police, Border Police and the Combat against Organized Crime Directorates General, the Directors of the Sofia Directorate and the Regional Directorates, the Director of the Migration Directorate and the Directors of the Border Police Regional Directorates of the Ministry of Interior, or of officials authorised thereby. In case the factual grounds for imposition of the specific coercive administrative measure contain classified information, they shall be set out in a separate document prepared by the relevant officials in accordance with the procedure provided for in the Classified Information Protection Act. The order imposing a coercive administrative measure under Article 39a, Paragraph 1, Items 2 and 3 shall indicate the country wherein the measure shall be effected. In case valid reasons occur, the information concerning the country may be changed by the authority that has issued the order.

(2) (Amended, SG No. 36/2009, supplemented, SG No. 9/2011) Upon imposing coercive administrative measures, the competent authorities shall take into consideration the duration of residence of the foreigner in the Republic of Bulgaria, the categories of vulnerable persons, the existence of current proceedings under the Asylum and Refugees Act or proceedings for renewal of a residence permit or another permit granting residence entitlement, the foreigner's family status, and the existence of family, cultural and social relations with the foreigner's state of origin.

(3) (Amended, SG No. 29/2007) The orders imposing coercive administrative measures shall be executed by the foreigners administrative control services or by the border control authorities, as the case may be, upon their coming into effect, unless the authority who issued the order has admitted anticipatory execution.

(4) The following shall be subject to immediate execution:

1. (supplemented, SG No. 101/2016, effective 20.12.2016) any orders whereby the entitlement to residence in the Republic of Bulgaria is forfeited due to existence of the grounds under Article 10, paragraph 1, items 1 and 1a;

2. (amended, SG No. 23/2013, (\*) effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania - supplemented, SG No. 70/2013, SG No. 101/2016, effective 20.12.2016, (\*) amended SG No. 56/2018) any orders imposing a bar on entering and residing within the territory of European Union Member States due to existence of the grounds under Article 10, paragraph 1, items 1 and 1a;

3. (supplemented, SG No. 21/2021) any expulsion orders, except in cases where they have been issued on the basis of a serious threat to public order.

(5) (Amended, SG No. 36/2009, SG No. 23/2013, SG No. 97/2016, SG No. 97/2017) Where there are obstacles to a foreigner leaving Bulgaria immediately or to entering another country, and no actions for the removal thereof have been scheduled, the body which issued the order imposing an administrative enforcement measure or the Director of the Migration Directorate shall, after assessing the individual circumstances and the risk such foreigner going into hiding or otherwise preventing the return, shall by an order impose any of the following precautionary measures in accordance with a procedure laid down in the Regulation on the Implementation of this Act:

1. The foreigner shall report on a weekly basis at the territorial office of the Ministry of the Interior exercising jurisdiction over his/her place of residence;

2. The foreigner shall, either in person or via a third party, lodge a security payment within a time limit and in an amount laid down in the Regulation on the Implementation of this Act;

3. The foreigner shall temporarily surrender a valid passport or other international travel document, which shall be returned to him/her upon enforcement of the return or expulsion.

(6) (Amended, SG No. 36/2009, SG No. 23/2013, supplemented, SG No. 14/2015, amended, SG No. 97/2016, SG No. 97/2017) Where the foreigner whereon a coercive administrative measure has been imposed under Article 39a, Paragraph 1, Items 2 and 3 is unknown, or the foreigner is impeding the enforcement of the order, or there is a risk that the foreigner might go into hiding, the authorities referred to in Paragraph 1 may issue an order for coercive placement of the foreigner at a special facility for temporary placement of foreigners for the purpose of organising the foreigner's return or expulsion. Coercive placement shall also be ordered in the cases where the foreigner fails to adhere to the conditions of the precautionary measures imposed under Paragraph 5.

(7) (New, SG No. 37/2003, amended, SG No. 103/2003, SG No. 82/2006, SG No. 69/2008, SG No. 53/2014, SG No. 14/2015, SG No. 97/2016, supplemented, SG No. 34/2019) Special facilities for temporary placement of foreigners under order for return or expulsion shall be established with the Migration Directorate. For placement purposes, a Register of Foreigners Placed with Coercive Administrative Measures Imposed and a Register of Foreigners Placed on a Short-Term Basis shall be kept, which shall contain details concerning the foreigners concerned.

(8) (New, SG No. 36/2009, amended, SG No. 70/2013, SG No. 53/2014, SG No. 14/2015, SG No. 97/2016, SG No. 97/2017) Such placement shall last until the circumstances referred to in paragraph 6 last, but for no longer than 6 months. Official inspections shall be conducted on a monthly basis by the Director of the Migration Directorate, in order to ascertain the existence of grounds for forcible placement in special facilities. As an exception, where the person concerned refuses to cooperate with the competent authorities or in case of a delay in obtaining the documents required for the return or expulsion as at the date of expiry of the authorised period of coercive placement under Paragraph 6, the Director of the Migration Directorate may issue an order extending the coercive placement by no more than 12 months. The order extending the coercive placement may be appealed against as provided for by Article 46a, Paragraphs 1 and 2. When, given the case-specific circumstances, it is

found that a reasonable possibility for the deportation of a foreign national no longer exists for legal or technical reasons, the person concerned shall be released immediately.

(9) (New, SG No. 36/2009, amended and supplemented, SG No. 23/2013 amended, SG No. 97/2017) As an exception, where the circumstances referred to in paragraph 6 are present, an order for forcible placement in a special facility shall be issued as regards accompanied minor or underage foreigners for a period of up to three months. Rooms for minor or underage foreigners shall be detached at the special facilities under paragraph 7, where the conditions shall be appropriate for such minor or underage foreigners' age and needs. Forcible placement shall not apply to unaccompanied minor or underage individuals. The authority which issued the order imposing an administrative enforcement measure shall deliver the person concerned to the relevant Social Assistance directorate, which shall take protection measures in accordance with the Child Protection Act.

(10) (New, SG No. 37/2003, supplemented, SG No. 109/2007, renumbered from Paragraph 8, amended, SG No. 36/2009, SG No. 97/2017) Foreigners shall be placed at such special facilities on the basis of a coercive placement order issued by the competent authority under Paragraph 1, such order shall expressly state the need and the legal grounds for such placement, and a copy of the order imposing return or expulsion as an administrative enforcement measure shall be attached thereto.

(11) (New, SG No. 37/2003, renumbered from Paragraph 9, amended, SG No 36/2009, supplemented, SG No. 97/2016, amended, SG No. 97/2017) The procedure for temporary placement of foreigners, at such special facilities and in their units, as well as the organisation and operation thereof, shall be determined by an ordinance of the Minister of Interior.

(12) (New, SG No. 80/2015, effective 16.10.2015, supplemented, SG No 97/2016) Placement of foreigners at a special facility for temporary placement of foreigners shall not be terminated if there are serious grounds to presume that the foreigner has filed a subsequent application for international protection with the sole purpose of delaying or complicating the execution of a coercive administrative measure of expulsion under Article 39a(1), item 2 or 3. The continuation of placement may be appealed against in accordance with the procedure provided for in Article 46a (1)-(5).

(13) (New, SG No. 97/2016, amended, SG No. 97/2017, effective 6.06.2018) Where a foreigner's identity has not been established, after individual assessment of the principles of proportionality and commensurability, the authority under paragraph 1 may issue with regard to such foreigner an order for temporary placement at a designated unit of a special facility for temporary placement of foreigners for a period of up to 30 calendar days in order to conduct initial identification and identity establishment and assess the subsequent administrative measures needed. Foreigners who are assumed to be minors shall be placed in special premises together with the persons accompanying them. A foreigner may not be placed at a designated unit of a special facility for temporary placement of foreigners more than once.

(14) (New, SG No. 98/2020) The term under Paragraph 13 for carrying out actions for initial identification, establishment of identity and for undertaking subsequent administrative measures shall be extended with the period during which the foreigner has been placed in isolation, hospital treatment or quarantine.

(15) (New, SG No. 97/2017, effective 6.06.2017, renumbered from Paragraph 14, SG No. 98/2020) The order on the enforcement of a precautionary measure as referred to in Paragraph 5 may be appealed against within 14 days of the issuance thereof as provided for by the Code of Administrative Procedure. The appeal shall not suspend enforcement.

#### **Article 44a**

(New, SG No. 42/2001)

(1) (Previous text of Article 44a, SG No. 23/2013) No foreigner under a coercive administrative measure of expulsion shall be expelled to a country where the life and freedom thereof are jeopardised and the said foreigner is endangered by persecution, torture, or inhuman or degrading treatment.

(2) (New, SG No. 23/2013) When the facts referred to in Paragraph 1 have been established by an act of Court that has entered into force, the foreigner is issued with and handed over to an order by the authority that has issued the expulsion order, which explicitly states the prohibition of expulsion and the country where the foreigner shall not be expelled to. That order cannot be appealed.

(3) (New, SG No. 23/2013) The foreigner shall report on a weekly basis at the territorial office of the Ministry of the Interior exercising jurisdiction over the place of residence of the foreigner.

(4) (New, SG No. 23/2013, effective 1.05.2013, amended, SG No. 33/2016 effective 21.05.2016) If one year has elapsed since the issue of the order referred to in Paragraph 2 and the foreigner could not be expelled in a safe third country, he/she should be granted temporary access to the labour market in accordance with the terms and procedure referred to in the Labour Migration and Labour Mobility Act, until the time of expulsion.

(5) (New, SG No. 21/2021) No foreigner under a coercive administrative measure of return shall be returned to a country where the life and freedom thereof are jeopardised and the said foreigner is endangered by persecution, torture, or inhuman or degrading treatment.

(6) (New, SG No. 21/2021) When the facts referred to in Paragraph (5) have been established by an act of court that has entered into force, the foreigner shall be issued and handed over an order by the authority that has issued the return order explicitly stating the prohibition of return and the country where the foreigner shall not be returned to. That order cannot be appealed. In these cases, the return may be effected to another country which shall be entered in the return order.

#### **Article 44b**

(1) (New, SG No. 42/2001, previous text of Article 44b, SG No. 52/2007 amended, SG No. 97/2016) Where immediate expulsion or return of a foreigner to the border is impossible, or where execution of the said measures has to be postponed for reasons of legal or technical nature, the authority who has issued the order imposing the coercive administrative measure shall postpone the execution of the said measure until the lapse of the obstacles to the execution thereof.

(2) (New, SG No. 52/2007, amended, SG No. 97/2016) Where upon expiration of the temporary protection period granted under the Asylum and Refugees Act the expulsion or return of a foreigner is not possible or those measures should be postponed for health or humanitarian reasons, the authority which has issued the order to enforce the respective compulsory administrative action shall postpone its implementation until the obstacles to its implementation are no longer in place.

#### **Article 44c**

(New, SG No. 9/2011, effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania – amended, SG No. 56/2018)

An alert for the purposes of refusing entry shall be issued in the Schengen Information System based on effective:

1. refusals issued on the authority of Article 10, Paragraph 1, Items 1 - 4, 6 - 8, 10, 11, 14, 16, 20 - 22 and Article 26;

2. orders imposing coercive administrative measures pursuant to Article 39a, Items 1 - 4.

#### **Article 45**

(Amended, SG No. 29/2007)▫

(1) The costs related to the residence and deportation from Bulgaria of a foreigner that has entered the country on an invitation of a natural or a legal person of whom it is established that he/she does not comply with the legal requirements for the residence of foreigners in the Republic of Bulgaria shall be for the account of the host.

(2) (Amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No 32/2009)▫ In the cases referred tin paragraph 1 the expenses for deporting the foreigner from the country shall be collected by the National Revenue Agency according to the procedure established by the National Revenue Agency Act.

(3) (New, SG No. 52/2007, amended, SG No. 80/2015, effective 16.10.2015) Costs related to taking a foreigner out of the country in compliance with an Asylum and Refugees Act Resolution to transfer a foreigner to the country which is competent to review his/her request for acquiring international protection shall be covered by the state budget.

(4) (New, SG No. 24/2018, effective 23.05.2018) The employer or the receiving organisation shall cover the costs of repatriation of the third country national illegally residing in Bulgaria.

(5) (New, SG No. 43/2011, effective 15.06.2011, renumbered from Paragraph 4, SG No. 24/2018, effective 23.05.2018) The costs related to the return and readmission of a holder of a EU Blue Card issued by another EU Member State and his/her family members shall be paid by the applicant or his/her employer.

#### **Article 46**

(Amended, SG No. 42/2001)

(1) (Amended, SG No. 29/2007) The orders imposing coercive administrative measures may be appealed under the terms and according to the procedure established by the Administrative Procedure Code.

(2) (Amended, SG No. 29/2007)▫ The orders on:

1. (supplemented, SG No. 101/2016, effective 20.12.2016) withdrawal of the entitlement to residence in the Republic of Bulgaria on the grounds of Article 10, paragraph 1, items 1 and 1a;

2. (amended, SG No. 23/2013, (\*) effective after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania - supplemented, SG No. 70/2013, SG No. 101/2016, effective 20.12.2016, (\*) amended SG No. 56/2018) imposing a prohibition on entering and residing in the territory of European Union Member States on the grounds of Article 10, paragraph 1, item 1 and 1a; and

3. expulsion

(amended, SG No. 77/2018, effective 1.01.2019) shall be subject to appeal before the relative administrative court following the procedure set out in the Administrative Procedure Code. The court's decision shall be final.

(3) Orders under paragraph (2) shall not indicate the factual grounds for imposing the coercive administrative measure.

(4) (Supplemented, SG No. 21/2021) The appeal against an order under Paragraph (2) shall not stay its enforcement unless the order referred to in Paragraph 2, Item 3 has been issued on the grounds of a serious threat to public order.

(5) (New, SG No. 21/2021) In case the appeal against an order under Paragraph 2, Item 3 does not stay the enforcement of the order but contains substantiated assertions for the existence of a significant risk under Article 44a, Paragraph 1, the court may stay ex officio the anticipatory enforcement under Article 166, Paragraph 3 of the Code of Administrative Procedure upon lodging the appeal. Until the court makes its ruling, the measure shall not be enforced.

#### **Article 46a**

(New, SG No. 36/2009)

(1) (Amended, SG No. 9/2011, SG No. 23/2013) The order for forcible placement at a special facility may be appealed against within 14 days after the actual placement, in accordance with the procedure provided for in the Code of Administrative Procedure. The appeal shall not suspend enforcement.

(2) (Amended, SG No. 9/2011, SG No. 34/2019, SG No. 21/2021) The court shall hear the appeal in an open session scheduled not later than three days after the appeal has been lodged, and shall pass a ruling within 7 days as of the initiation of court proceedings. The relevant person does not need to appear before the court. The resolution of the court of first instance may be appealed against before the Supreme Administrative Court, and the latter shall pronounce its decision within 14 days as of lodging the complaint.

(3) (Amended, SG No. 97/2016, repealed, SG No. 97/2017).□

(4) (Amended and supplemented, SG No. 9/2011, repealed, SG No. 97/2017).□

(5) (Amended, SG No. 97/2017, SG No. 34/2019) Upon the entry into effect of the court decision reversing a coercive placement order as referred to in Paragraph (1), in Article 44, Paragraph (8) or in Article 44, Paragraph (12), the foreigner concerned shall immediately be released from the special facility.

(6) (New, SG No. 97/2016) The order of short-term placement in a unit of a special facility for temporary placement of foreigners under Article 44, paragraph 13 may be appealed as regards the legality of placement under the procedure of the Code of Administrative Procedure before the court. The appeal shall not suspend enforcement. The court shall immediately come up with a decision on the appeal.

#### **Article 46b**

(New, SG No. 42/2001, renumbered from Article 46a, SG No. 36/2009)

Government authorities exercising powers in connection with the terms and procedure for entry into, stay in and leaving the Republic of Bulgaria by foreigners shall co-operate with the competent authorities of other states in combating illegal migration and in the execution of expulsions.

#### **Article 46c**

(New, SG No. 43/2011, effective 15.06.2011)

The Republic of Bulgaria shall immediately readmit, without formalities, a holder of a EU Blue Card issued by Bulgaria and his/her family members, even if the EU Blue Card has expired or has been revoked when reviewing the application.

#### **Article 47**

(Repealed, SG No. 42/2001).

### **Section Ia**

**(New, SG No. 29/2007)**

#### **Request for Assistance in the Cases of Transit for Deporting a Foreigner outside the Territory of the Republic of Bulgaria by Air Addressed by the Authorities of the Ministry of the Interior to the Competent Authorities of Another European Union Member-State**

#### **Article 47a**

(New, SG No. 29/2007)

(1) The authorities of the Ministry of the Interior may request with a written application assistance from the competent authorities of another European Union Member State in the cases of transit for deporting a foreigner outside the territory of the Republic of Bulgaria by air in case there is no possibility to use direct flight to the state that is the end destination of the journey.

(2) Air transit may not be requested when a change of airport is required on the territory of the other European Union Member State to which the application for

assistance is addressed.

#### **Article 47b**

(New, SG No. 29/2007)

(1) The application shall be addressed to the competent authorities of another European Union Member State whose assistance is requested forthwith but not later than two days before the transit date.

(2) Air transit through the territory of another European Union member-state shall be carried out after receiving the permission of its competent authorities.

(3) In case the competent authorities of the other European Union Member State to which the application is addressed fail to respond within the time-limit referred to in paragraph 1 the actions on the transit may commence after the authorities of the Ministry of the Interior notify its competent authorities of carrying out the transit.

#### **Article 47c**

(New, SG No. 29/2007)

(1) A foreigner shall be accepted immediately on the territory of the Republic of Bulgaria when:

1. an air transit permission through the territory of the other European Union Member State has been refused or withdrawn;

2. the foreigner has entered without permission the territory of the other European Union Member State through which the transit has been carried out;

3. the deportation of the foreigner for transit through another European Union Member State or to the end destination state has not been carried out or he/she has not boarded the connection flight;

4. the air transit cannot take place due to other reasons.

(2) The costs related to the return of the foreigner shall be borne by the Republic of Bulgaria.

### **Section Ib**

**(New, SG No. 29/2007)**

## **Rendering Assistance to the Competent Authorities of Another European Union Member-State in Cases of Air Transit of a Foreigner Through the Republic of Bulgaria**

#### **Article 47d**

(New, SG No. 29/2007)

The authorities of the Ministry of the Interior may render assistance to the competent authorities of another European Union Member State for air transit of a foreigner through the territory of the Republic of Bulgaria in case of a submitted application in writing.

#### **Article 47e**

(New, SG No. 29/2007)

(1) The authorities of the Ministry of the Interior shall notify the competent authorities of the other European Union Member State which have addressed the transit application of the decision to carry out the transit as well as of the possibilities of taking some of the measures referred to in Article 47g within two days after receiving the application.

(2) In exceptional cases the term under paragraph 1 may be extended by at most two days. The need to extend the term shall be substantiated.

(3) If the authorities of the Ministry of the Interior fail to notify the competent authorities of the other European Union Member State which have addressed the transit application of the decision to carry out the transit within the term referred to in paragraphs 1 and 2 the actions on the transit may commence after

a notification by the competent authorities of the other European Union Member State.

#### **Article 47f**

(New, SG No. 29/2007)

(1) When carrying out the transit through the territory of the Republic of Bulgaria the foreigner may be accompanied by persons who have been authorised thereof by the legislation of the other European Union member-state, the competent authorities of which have addressed the transit application.

(2) The persons accompanying the foreigner shall be entitled to render assistance to the authorities of the Ministry of the Interior to prevent the escape of the foreigner, inflicting self-injuries, damages to third persons or damaged to a third party's property.

(3) The persons accompanying the foreigner shall be obliged to:

1. take the required action to prevent the circumstances referred to in paragraph 2 in the cases when it is impossible for the authorities of the Ministry of the Interior to carry out their powers; in these cases the persons accompanying the foreigner shall be obliged to observe the laws of the Republic of Bulgaria;

2. produce their identity documents as well as the transit decision or the notification referred to in Article 47e, paragraph on request by the authorities of the Ministry of the Interior.

(4) The persons accompanying the foreigner may not carry arms or wear a uniform.

#### **Article 47g**

(New, SG No. 29/2007)

(1) The authorities of the Ministry of the Interior shall render assistance for carrying out the transit through employing one or several of the following measures:

1. receiving the foreigner from the board of the aircraft and accompanying him/her within the confines of the security zone of the transit airport;

2. rendering emergency medical assistance to the foreigner and the persons accompanying him/her, as appropriate;

3. providing food to the foreigner and the persons accompanying him/her, as appropriate;

4. receiving, safekeeping and transferring of travel documents;

5. notifying the competent authorities that have addressed the transit application of the exact departure time and place of the foreigner from the Republic of Bulgaria in the cases when the foreigner is not accompanied by persons authorised thereof;

6. notifying the competent authorities that have addressed the transit application of occurring serious incidents during the foreigner's transit.

(2) Within the possibilities and in compliance with applicable international rules the authorities of the Ministry of the Interior shall take all necessary measures to render assistance from the landing and the opening of the doors of the aircraft until the foreigner's departure from the Republic of Bulgaria following preliminary consultations with the competent authorities of the other European Union Member State that have addressed the transit application with the exception of the cases referred to in paragraph 1, item 2.

(3) In case the carrying out of the transit proves impossible and re-acceptance of the foreigner is required by the other European Union member-state which has addressed the application the authorities of the Ministry of the Interior shall render assistance thereof.

#### **Article 47h**

(New, SG No. 29/2007)

The authorities of the Ministry of the Interior shall take all necessary



measures to effect the transit within the shortest possible time but not exceeding 24 hours.

#### **Article 47i**

(New, SG No. 29/2007)

(1) The costs for rendering assistance for air transit of a foreigner through the territory of the Republic of Bulgaria shall be at the expense of the other European Union Member State, the competent authorities of which have addressed the transit application.

(2) The authorities of the Ministry of the Interior shall provide information to the competent authorities of the other European Union member-state of the costs referred to paragraph 1.

#### **Article 47j**

(New, SG No. 29/2007)

(1) Assistance for effecting the transit referred to in article 47d may be refused when:

1. the foreigner has been accused of committing a crime under Bulgarian law or there is an effective sentence in relation to him/her which is subject to enforcement in the Republic of Bulgaria;

2. the foreigner poses a threat to public safety and order, public health or the relations of the Republic of Bulgaria with other states or international organisations;

3. no transit is possible through other state to the end destination state or the acceptance of the foreigner in the end destination state is impossible;

4. a change of airport is required on the territory of the Republic of Bulgaria;

5. no assistance for air transit can be given on the specified date due to other reasons; in these cases the authorities of the Ministry of the Interior shall notify the competent authorities of the other European Union Member State, which have addressed the transit application, of the nearest possible date to effect the transit.

(2) The authorities of the Ministry of the Interior may render transit assistance under Article 47d in case the grounds for refusal referred to in paragraph 1 become known after agreement to effect the transit has been given.

(3) The authorities of the Ministry of the Interior shall notify forthwith the competent authorities of the other European Union Member State, which have addressed the transit application, of the refusal to carry out the transit and the motives thereof.

## **Section II Administrative and Penal Provisions**

#### **Article 48**

(1) Penalised by imposition of a fine ranging from BGN 500 to 5,000 shall be any foreigner who:

1. has re-entered this country after having been expelled from it;

2. (amended, SG No. 26/2008, SG No. 43/2011, effective 15.06.2011, SG No 24/2018, effective 23.05.2018) engages in commerce or other activity without appropriate authorisation;

3. has stayed in this country after his authorised duration of stay has expired.

(2) (Amended, SG No. 26/2008, amended and supplemented, SG No. 43/2011 effective 15.06.2011, repealed, SG No. 24/2018, effective 23.05.2018).

(3) (Supplemented, SG No. 43/2011, effective 15.06.2011, amended, SG No 24/2018, effective 23.05.2018) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed [on natural persons], and a pecuniary penalty from BGN 4,000 to BGN 40,000 shall be imposed on legal persons in the event of repeated violations under Paragraphs (1).

#### **Article 48a**

(New, SG No. 42/2001, supplemented, SG No. 112/2001, amended, SG No 11/2005, repealed, SG No. 33/2016, effective 21.05.2016, new, SG No. 21/2021, effective 1.06.2021). (1) A fine of BGN 1,000 shall be imposed on an employer, being a natural person, who:

1. fails to inform the Migration Directorate of a terminated employment relationships with a foreigner pursuant to Article 24i, Paragraph 19, Article 24k, Paragraph 21 and Article 33k, Paragraph 20;

2. hires a foreigner who is in possession of a valid visa but has not been granted a residence permit.

(2) A pecuniary penalty in the amount of BGN 3,000 shall be imposed on an employer, being a legal person, for a violation under Paragraph (1).

(3) In the event of a repeated violation under Paragraph (1), the pecuniary penalty shall amount to BGN 9,000.

#### **Article 48b**

(New, SG No. 11/2005)

(1) Natural persons failing to fulfil their obligations referred to in Article 28 shall be imposed a fine ranging from BGN 100 to 1,000.

(2) Legal persons failing to fulfil their obligations referred to in Article 28 shall be imposed a property sanction ranging from BGN 500 to 5,000.

(3) In the event of repeated violation under Paragraph (2) above, the legal person shall be imposed a property sanction ranging from BGN 1,000 to 10,000.

#### **Article 48c**

(New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 24/2018 effective 23.05.2018).

#### **Article 49**

(1) Penalised by a fine of up to BGN 3,000 shall be any foreigner who:

1. (amended, SG No. 97/2016) uses an irregular passport or substituting travel document;

2. (supplemented, SG No. 42/2001, SG No. 36/2009) loses, damages or destroys a Bulgarian identity document, a residence permit or any documents issued by the border passport and visa control services;

3. in his capacity as a vessel's captain or crew member has failed to comply with the established border and passport regulations in ports and port cities/towns;

4. (amended, SG No. 29/2007) fails to fulfil the obligations thereof referred to in Article 17 (2) and in Article 30 herein;

5. (amended, SG No. 82/2009) gives or accepts a bulgarian personal document as pledge, or cedes any such document.

(2) In the event of repeated violations under paragraph (1) above, a fine shall be imposed ranging from BGN 1,000 to 6,000, while legal persons shall be penalised by a property sanction of up to BGN 20,000.

#### **Article 49a**

(New, SG No. 23/2013)

(1) A fine between BGN 3,000 and BGN 6,000 shall be imposed on any captain of a vessel who, until the arrival in a port on the territory of Bulgaria, fails to notify the border control authorities of any passengers without a ticket on board the vessel.

(2) Any captain of a vessel, ship owner or ship agent who fails to prevent the landing on the territory of Bulgaria of foreigners who do not possess the required documents referred to in Article 8, shall be penalized by imposing a fine between BGN 6,000 and BGN 10,000 per foreigner.

#### **Article 50**

(1) Penalised by a fine of up to BGN 500 shall be any foreigner who:

1. (amended, SG No. 9/2011, SG No. 97/2017) fails to fulfil the obligations thereof referred to in Article 44, paragraph 5, item 1 herein;
  2. has committed a brazen violation of the established order within the border-control zone at a border-crossing check point;
  3. (amended, SG No. 23/2013) does not comply with the conditions for transit passage through Bulgaria.
- (2) In the event of repeated violations under paragraph (1) above, a fine shall be imposed ranging from BGN 200 to 1,000.

#### **Article 51**

(Amended, SG No. 37/2003, SG No. 29/2007, SG No. 97/2016)

A carrier who fails to comply with his obligations referred to in Article 20 shall be sanctioned with a fine or a pecuniary sanction amounting from BGN 2000 to BGN 10,000 for each carried person.

#### **Article 51a**

(New, SG No. 63/2007, repealed, SG No. 15/2016)

#### **Article 52**

(1) Where no other penalty has been provided for violations of this Act and of the Rules and Regulations for its implementation enacted pursuant thereto, the perpetrator shall be penalised by imposition of a fine in the amount of up to BGN 500.

(2) In case of minor offences a fine shall be imposed in accordance with Article 39, paragraph (2) of the Administrative Violations and Sanctions Act.

#### **Article 53**

(1) (Supplemented, SG No. 112/2001, amended, SG No. 33/2016, effective 21.05.2016) Any violations under this Act shall be ascertained by a written statement drawn up by the authorities of the Ministry of Interior, and in the cases under Article 24a herein, by the authorities of the Ministry of Labour and Social Policy.

(2) The Minister of Interior and the Minister of Labour and Social Policy, or other officials duly appointed by them, shall, on the basis of such reports, issue penal decrees.

(3) The drawing up of the reports, the issuing and the execution of the penal decrees, and the appeals against them shall be effected in compliance with the provisions of the Administrative Violations and Sanctions Act.

### **Chapter Six**

**(New, SG No. 37/2003)**

## **INFORMATION ACTIVITY OF SERVICES FOR ADMINISTRATIVE CONTROL OF FOREIGNERS IN THE REPUBLIC OF BULGARIA**

#### **Article 54**

(1) (Amended, SG No. 9/2011) A Single Register of Foreigners shall be maintained at the Ministry of Interior, containing data regarding foreigners residing in Bulgaria on a prolonged, long-term and permanent basis.

(2) For the purposes of executing the functions established by law for the services for administrative control of foreigners under the Ministry of Interior, data concerning the following shall be processed:

1. visa control of foreign citizens;
2. border control for crossings by foreign citizens;
3. (amended, SG No. 80/2015, effective 16.10.2015) citizens seeking or having obtained protection on the territory of the Republic of Bulgaria;
4. address registration of foreigners on short stay;
5. any administrative penalties and measures of administrative coercion imposed on foreigners;
6. acquisition, loss and restoration of Bulgarian citizenship.

(3) (New, SG No. 103/2003, amended, SG No. 82/2006, SG No. 69/2008, SG No. 53/2014, SG No. 14/2015) The foreigners administrative control services shall be obligated to submit promptly the entire information covered under Paragraph (2) to the Migration Directorate.

(4) (Renumbered from Paragraph 3, SG No. 103/2003) Services for administrative control of foreigners under the Ministry of Interior shall process the following data:

1. cyrillised and romanised names, date of birth, place of birth, gender, citizenship;
2. single civil registry number and/or personal number of a foreigner;
3. permanent address in the Republic of Bulgaria;
4. present address in the Republic of Bulgaria;
5. document for travel (type, series, number, date, place of issue and validity term);
6. purpose of stay in the Republic of Bulgaria;
7. visa (type, number, date and place of issue and validity term and term of stay);
8. grounds on which stay in the Republic of Bulgaria is permitted;
9. applications for authorisation of long-term residence (number, date, decision);
10. (amended, SG No. 80/2015, effective 16.10.2015) decisions for granting protection on the territory of the Republic of Bulgaria (date and number);
11. term of stay in the Republic of Bulgaria;
12. marital status;
13. spouse;
14. children aged up to 18 years;
15. permanent address in the country of which the person is a citizen;
16. decree of the President of the Republic of Bulgaria on change of citizenship;
17. entries in and exits from the Republic of Bulgaria;
18. host;
19. tourist vouchers;
20. profession and place of work;
21. imposed measures of administrative coercion;
22. ex officio data;
23. (new, SG No. 29/2007) biometric data - photographs and 10 fingerprints;
24. (renumbered from item 23, SG No. 29/2007) other data as specified in a law.

(5) (New, SG No. 109/2007) The State Agency for National Security shall use the information from the register as per paragraph 1 for purposes of discharge of its statutory functions in accordance with a procedure determined by the Minister of Interior and the Agency Chairperson.

## **Article 55**

(1) Data from the Single Register of Foreigners shall be provided to:

1. Government authorities and organisations on the basis of a law or an act of the judiciary;
2. Bulgarian citizens and foreigners, only if such data refers to them;
3. Bulgarian and foreign legal persons, on the basis of a law or an action of the judiciary power;
4. Authorities in other states, in accordance with international treaties to which the Republic of Bulgaria is party;
5. The Single Service for Civil Registry and Administrative Services for the Population (ESGRAON).

(2) Bulgarian citizens and foreigners shall have the right to obtain information

kept in the data bases referring to third parties only on the basis of a law or an action of the judiciary power.

(3) (Amended, SG No. 77/2018, effective 1.01.2019) Any refusal to make data available from the Single Register of Foreigners shall be appealable according to the procedure established by Article 46.

#### **Article 56**

(Amended and supplemented, SG No. 109/2007, amended, SG No. 97/2016)

The Ministry of Interior, the State Agency for National Security and the Ministry of Foreign Affairs shall exchange information about imposing restrictions on entry into the Republic of Bulgaria and for coordinating applications for issuance of visas to foreigners.

#### **Article 57**

(Supplemented, SG No. 109/2007, SG No. 33/2016, effective 21.05.2016)

The Ministry of Interior shall exchange data with the Ministry of Labour and Social Policy and with the State Agency for National Security in connection with the issuing of work permits to foreigners and with the issuing of permits for work on a freelance basis to foreigners within the meaning as per the Labour Migration and Labour Mobility Act.

#### **Article 58**

(Supplemented, SG No. 109/2007, amended, SG No. 82/2009, SG No. 80/2015 effective 16.10.2015)

The Ministry of Interior shall exchange information with the State Agency for National Security and the State Agency for Refugees in connection with the issuing of bulgarian personal documents to foreigners who seek or have been granted protection, and for the purpose of conduct of proceedings for the grant of protection under the Asylum and Refugees Act.

#### **Article 59**

(1) (Amended and supplemented, SG No. 109/2007) The Ministry of Interior and the State Agency for National Security shall exchange data with the authorities of the judiciary in connection with the performance of their functions regarding the imposition and lifting of coercive administrative measures.

(2) (Amended and supplemented, SG No. 109/2007) The Ministry of Interior and the State Agency for National Security shall cooperate with the Ministry of justice concerning foreigners released from penitentiaries and concerning persons applying to acquire, restore or be relieved of Bulgarian citizenship.

#### **Article 60**

(1) (Previous text of Article 60, SG No. 109/2007, supplemented, SG No 36/2009, SG No. 9/2011) The Ministry of Interior shall interact and exchange data with the Unified System for Civil Registration and the Provision of Administrative Services of the Population and with the municipal administrations in connection with the issuing of Bulgarian identity documents, residence permits and with the provision of administrative services to long-term or permanent foreign residents.

(2) (New, SG No. 109/2007, supplemented, SG No. 9/2011) The State Agency for National Security shall interact and exchange data with the Unified System for Civil Registration and the Provision of Administrative Services of the Population and with the municipal administrations in relation to the provision of administrative services to long-term or permanent foreign residents.

#### **Article 61**

(Amended, SG No. 103/2003)

The Ministry of Foreign Affairs shall keep a register containing the data referred to in Article 54, paragraph (4), and data concerning foreigner filings for the issuance of visas and restrictions imposed under the procedure set out in Article 21a

by the Minister of Foreign Affairs.

## ADDITIONAL PROVISIONS

**§ 1.** For the purposes of this Act:

1. (Repealed, SG No. 9/2011).

1a. (New, SG No. 9/2011) "Family reunification" shall mean entry and residence in a Member State by members of the family of a foreigner residing legally in such Member State aimed at preserving the family's unity, regardless of whether the family relations have originated prior to or after such person's entry.

1b. (New, SG No. 9/2011, supplemented, SG No. 33/2016, effective 21.05.2016) "First Member State" shall mean the Member State which first granted long-term resident status or the Member State which is the first to grant an "EU Blue Card" to the foreigner concerned or a permit issued to a person relocated as a result of intra-corporate transfer.

1c. (New, SG No. 9/2011) "Second Member State" shall mean any Member State other than the first Member State.

1d. (New, SG No. 9/2011) "EU Blue Card" shall mean a permit marked as "EU Blue Card" and entitling its holder to reside and work in the territory of a European Union Member State for the purposes of highly qualified employment.

1e. (New, SG No. 70/2013) "Single residence and work permit" shall be a document bearing the words "Single residence and work permit" which allows foreign nationals from third countries to both reside and work within the territory of Bulgaria.

1f. (New, SG No. 70/2013, supplemented, SG No. 21/2021) "Single application procedure" shall be the procedure related to taking a decision on a single application for a third-country national residence and work permit submitted by an employer or a foreigner.

1g. (New, SG No. 33/2016, effective 21.05.2016) A "permit issued to a person relocated as a result of intra-corporate transfer" is a permit marked "ICT - Intra-corporate transfer", which entitles the holder to reside and work in the territory of the Republic of Bulgaria as a first member state of the European Union, for the purposes of intra-corporate transfer, and is issued to a worker who is a third-country national pursuant to adherence to the single application procedure.

1h. (New, SG No. 33/2016, effective 21.05.2016) A "mobility permit in intra-corporate transfer" is the permit marked "mobile ICT", which entitles the holder to reside and work in the territory of the Republic of Bulgaria as a second member state of the European Union, for the purposes of intra-corporate transfer.

1i. (New, SG No. 33/2016, effective 21.05.2016, amended, SG No. 21/2021) A "residence permit for the purpose of employment as a seasonal worker" is the permit marked "seasonal worker" that entitles the holder to reside and work in the territory of a member state of the European Union for purposes of doing seasonal work.

1j. (New, SG No. 24/2018, effective 23.05.2018) "Union programme or multilateral programme which envisages training in more than one Member State" shall mean a programme funded by the European Union or its Member States aimed at promoting the mobility of foreigners within the EU or in the territory of the respective Member States participating in the relevant programme.

2. (Amended, SG No. 9/2011) A violation shall be "systematic" where a foreigner has committed more than two violations in the course of one year.

3. (Supplemented, SG No. 42/2001, amended, SG No. 97/2016) "Passport or a substituting travel document" shall be a document issued according to the statutory procedure of the relevant State, wherein a visa can be affixed and which entitles the foreigner to return to the State wherefrom the said foreigner is entering, to the country of origin or to a third country, the photograph in the document identifies the holder, the data therein do not contain any corrections, crossings, deletions, additions

and other such, there are no signs of replacement of the photograph, the impressions of seals affixed are distinct, the likeness of the person in the photograph corresponds to the actual features of the holder, and the term of validity of the document has not expired.

3a. (New, SG No. 36/2009) A "residence permit" shall be any residence permit issued by the competent authorities of the Ministry of Interior in accordance with the uniform format provided for by Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

3b. (New, SG No. 43/2011, effective 15.06.2011) An "illegal foreign national" shall be any foreigner in the Republic of Bulgaria who is a citizen of a third country and does not or has ceased to comply with the conditions that regulate the stay or residence of foreign nationals.

4. (Amended, SG No. 23/2013) "Return" means the process of a foreign national going back - whether in voluntary compliance with an obligation to return, or enforced - to his or her country of origin, or a country of transit in accordance with European Union or bilateral readmission agreements or other arrangements with a third country, or another third country, to which the foreign national concerned voluntarily decides to return and in which he or she will be accepted.

4a. (New, SG No. 36/2009) "Leaving voluntarily" shall be the fulfilment of a foreigner's obligation to return within the time-limits determined for that purpose in the order imposing a coercive administrative measure.

4b. (New, SG No. 9/2011) "Vulnerable persons" shall mean juveniles or minors, unaccompanied juveniles or minors, persons with disabilities, elderly people, pregnant women, single parents with juvenile or minor children, and persons who have been subjected to torture, rape or other serious forms of psychological harassment, physical or sexual violence.

4c. (New, SG No. 9/2011, amended and supplemented, SG No. 23/2013) "A risk that a foreigner whereon a coercive administrative measure has been imposed pursuant to Article 39a (1), Items 2 and 3 might go into hiding" shall mean a situation where, in view of the factual details, it could reasonably be presumed that such person will try to circumvent the enforcement of the measure imposed. Relevant information in such cases may be the fact that the person could not be found at the address he/she stated to be his/her residence address, record of past violations of the public order, criminal record of the individual without regard to his/her rehabilitation, the fact that the individual did not leave the country within the period provided to him/her to leave voluntarily, the fact that the individual has clearly shown that he/she will not comply with the imposed measure, the individual possesses forged documents or has no documents at all, the individual misstated certain information, has been hiding in the past or failed to comply the prohibition on his/her entry, etc.

5. (Amended, SG No. 21/2021) "Foreigners administrative control services" shall be the Migration Directorate, a Migration Department/Sector/Group at Sofia Directorate of Interior, or the Regional Directorates of the Ministry of Interior.

6. (New, SG No. 42/2001) "A person of Bulgarian origin" shall be a person at least one of whose ascendants is a Bulgarian.

7. (New, SG No. 42/2001, amended, SG No. 29/2007) "Force majeure" shall be natural disasters, accidents, catastrophes, robberies and circumstances leading to providing emergency medical care as well as other events occurring in spite of the will of the foreigner which he/she could neither foresee nor prevent.

7a. (New, SG No. 63/2005) "European Economic Areas" is an economic community comprising the Member States of the European Union, Iceland, Liechtenstein and Norway.

8. (New, SG No. 42/2001, amended, SG No. 34/2019) "A school" shall mean an institution under Article 25(1) of the Pre-School and School Education Act participating in a programme for pupils exchange or in an educational project.

9. (New, SG No. 42/2001, amended, SG No. 112/2001, SG No. 9/2011 supplemented, SG No. 43/2011, effective 15.06.2011) "Work on a freelance basis" shall be any economic activity with the exception of the activities referred to in Article 24, Paragraph 1, Item 2 and in Article 25, Paragraph 1, Item 13 herein, performed in a personal capacity without a commitment to an employer.

10. (New, SG No. 37/2003) "Factual extramarital co-habitation" exists when the persons live in one household and cohabit on the basis of spouse relationships.

11. (New, SG No. 37/2003) A "carrier" refers to a natural or legal person who, according to their national law, has the right to perform transportation by road, by air or water using means of transportation designed for the performance of such activity.

12. (New, SG No. 9/2011) A "commercial intermediary" shall mean a private administrative agency, transport company or travel agency (a tour operator or retailer).

13. (New, SG No. 23/2013, effective 1.05.2013, amended, SG No. 80/2015 effective 16.10.2015) "International protection" a term within the meaning of the Asylum and Refugee Act.

14. (New, SG No. 23/2013, amended, SG No. 97/2016) "Reasonable doubt" for the purposes of Article 10, paragraph 1, item 24 is doubt as to the risk of illegal migration, when based on the interview and the submitted documents it is found that the applicant uses the purpose of travel as an opportunity to establish him/herself illegally in the territory of the Republic of Bulgaria or when the statements he/she made conflict with his/her intention to leave the country within the permitted term of stay, for which is applying.

15. (New, SG No. 97/2016) There is "national interest" where the non-admission of the foreigner into the territory of the country or him/her leaving it may seriously harm the international relations of the Republic of Bulgaria and this is confirmed in writing by the Minister of Foreign Affairs or officials authorised thereby.

16. (New, SG No. 97/2016) There are "Humanitarian reasons" where the non-admission into or leaving the territory of the Republic of Bulgaria by a foreigner would create a serious danger for his/her health or life due to the existence of objective circumstances, either to the integrity of his/her family, or the best interests of his/her family or child require his/her admission into or remaining in the territory of the country.

17. (New, SG No. 97/2016) "Biometrics" are digital images of the face and the ten fingerprints, which are collected and used to check the declared identity or for detecting and establishing the actual identity.

18. (New, SG No. 97/2016) "Visa annulment" is a decision of a competent authority to declare as null and void a permit for entry and stay in the territory of the Republic of Bulgaria or for airport transit, where subsequently it is established that the conditions for its issuance were not in place, as well as where data is available that the visa was obtained in a fraudulent way.

19. (New, SG No. 97/2016) "Visa cancellation" is a decision of a competent authority to declare as null and void a permit for entry and stay in the territory of the Republic of Bulgaria or for airport transit, where the conditions for issuance of the visa are no longer in place, or upon an application in writing by the person to whom it was issued.

20. (New, SG No. 97/2017, amended, SG No. 34/2019) "Evidence of residence secured" shall mean the following documents:

a) a title deed or another document evidencing ownership or use of the property concerned;

b) a declaration of provided residence address by the property owner; where such declaration is not submitted in person by the owner or by a person authorised by the owner, the owner's signature appearing on such declaration shall be notarised.

21. (New, SG No. 14/2018) "Dependant" shall mean a spouse of a military



officer or of a member of the civilian component of a NATO unit deployed in the Republic of Bulgaria, as well as the persons with regard to whom the military officer or the member of the civilian component exercises parental, guardianship or custodial rights or is required to provide an allowance under the law of the sending State.

**§ 2.** Fees shall be charged for the issuance of visas, residence permits and other documents in accordance with this Act in such amounts as shall be prescribed in an enactment of the Council of Ministers.

### **TRANSITIONAL AND CONCLUDING PROVISIONS**

**§ 3.** This Act shall repeal the hitherto Residence of Foreigners in the Republic of Bulgaria Act (promulgated, State Gazette No. 93 of 1972; amended and supplemented, SG Nos. 36 of 1979; 17 of 1987; 26 of 1988; 53 of 1989, 27 of 1994, 120 of 1997, 11 & 93 of 1998).

**§ 4.** In Article 9, paragraph (2) of the Foreign Investment Act (promulgated, State Gazette No. 97 of 1997; amended, SG Nos. 99 of 1997, 29 of 1998) the wording "or other officials duly authorised by him" shall be inserted right after the wording "the Minister of Interior".

**§ 5.** The Council of Ministers shall enact Rules and Regulations for the implementation of this Act

**§ 6.** The implementation and enforcement of this Act shall be assigned to and vested with the Minister of Foreign Affairs, the Minister of Interior and the Minister of Labour and Social Policy.

This Act was adopted by the 38th National Assembly on 11 November and again on 15 December 1998 and the Official Seal of the National Assembly has been affixed thereto.

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### **TRANSITIONAL AND FINAL PROVISIONS to the Lev Re-denomination Act (SG No. 20/1999, supplemented, SG No. 65/1999, effective 5.07.1999)**

.....  
**§ 4. (1)** (Supplemented, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or will enter into force after the 5th day of July 1999.

(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

.....  
**§ 7.** This Act shall enter into force on the 5th day of July 1999.

### **TRANSITIONAL AND FINAL PROVISIONS of the Administrative Procedure Code (SG No. 30/2006, effective 12.07.2006)**

.....  
**§ 139.** Everywhere in the Foreigners in the Republic of Bulgaria Act (promulgated, State Gazette No. 153/1998, amended, SG No. 70/1999, amended and supplemented

SG No. 42/2001, SG No. 112/2001, amended, SG No. 45/2002, SG No. 54/2002, amended and supplemented, SG No. 37/2003, SG No. 103/2003, amended, SG No. 37/2004, SG No. 70/2004, amended and supplemented, SG No. 11/2005, SG No. 63/2005, amended, SG No. 88/2005) the words "the Administrative Procedure Act" shall be replaced by "the Administrative Procedure Code".

#### FINAL PROVISIONS

to the Act of amendment and supplement the Social Insurance Code  
(SG No. 82/2006)

.....

§ 14. In the Foreigners in the Republic of Bulgaria Act (promulgated, State Gazette No. 153/1998, amended, SG No. 70/1999, amended and supplemented, SG No. 42/2001, SG No. 112/2001, amended, SG No. 45/2002, SG No. 54/2002, amended and supplemented, SG No. 37/2003, SG No. 103/2003, amended, SG No. 37/2004, SG No. 70/2004, amended and supplemented, SG No. 11/2005, SG No. 63/2005, amended, SG No. 88/2005, SG No. 30/2006) shall be amended as follows:

1. Everywhere the words "border passport control" shall be replaced by "border passport and visa control".

#### SUPPLEMENTARY PROVISION

to the Amendment and Supplement Act  
to the Foreigners in the Republic of Bulgaria Act  
(SG No. 29/2007)

§ 40. This act introduces the requirement of Directive 2003/110/EC of the Council or assistance in cases of transit for the purposes of removal by air, Directive 2003/109/EC of the Council concerning the status of third- country nationals who are long-term residents, Directive 2003/86/EC of the Council on the right to family reunification, Directive 2001/51/EC of the Council supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, Directive 2001/40/EC of the Council on the mutual recognition of decisions on the expulsion of third country nationals.

#### SUPPLEMENTARY PROVISION

to the Amendment and Supplement Act  
to the Foreigners in the Republic of Bulgaria Act  
(SG No. 63/2007)

§ 4. This act shall transpose the provisions of Council Directive 2004/82/EC on the obligation of carriers to communicate passenger data and Council Directive 2005/71/EC on the specific procedure for admitting third-country nationals for the purposes of scientific research.

ACT for Amendment and Supplement  
the Foreigners in the Republic of Bulgaria Act  
(SG No. 36/2009)

#### Supplementary Provision

§ 16. This Act introduces the requirements of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348/98, 24.12.2008).

#### Transitional and Final Provisions

§ 17. Pending administrative procedures for issuance of permanent residence permits on the authority of items 6, 7 and 8 of Article 25 (1) and family members within the

meaning of § 1, item 1 of the Supplementary Provisions shall be completed subject to the terms and conditions hereof.

.....  
**TRANSITIONAL AND FINAL PROVISIONS**

to the Act to Amend and Supplement the  
Foreigners in the Republic of Bulgaria Act  
(SG No. 9/2011, amended, SG No. 56/2018, SG No. 21/2021)

§ 49. (1) Any pending residence permit issuance proceedings shall be completed in accordance with the hitherto applicable procedure.

(2) Within three months after this Act's entry into force, the effect of any coercive administrative measures effected based on orders under the repealed Paragraph 2 of Article 43 shall be terminated.

(3) Any pending procedures under Article 46a shall be completed in accordance with the hitherto applicable procedure.

.....  
§ 65. (Amended, SG No. 56/2018, SG No. 21/2021) Paragraph 8, Item 3, § 21, Item 3 (regarding Article 26, Paragraph 6), § 38, Item 2, § 43 and § 51, Items 4 and 5 shall apply after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

§ 66. § 18 concerning Article 24f, Paragraph 3, second sentence, § 35, § 38, Item 1, letter "f" concerning Article 40, Paragraph 1, Items 11 and 12 and § 50, Item 1 (concerning Item 1a, second sentence) and Item 2 (concerning Items 7 and 8) shall take effect as of 1 June 2011.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act to Amend and Supplement European Union Citizens  
and Members of Their Families Entry and Residence  
in and Departure from the Republic of Bulgaria Act  
(SG No. 21/2012)

.....  
§ 28. Until the entry into force of the statutory instrument of the Council of Ministers approving the templates for the residence card for an EU citizen's family member residing on a long-term or permanent basis as a member of the family of an EU citizen and having exercised his/her right to free movement, the hitherto valid templates shall be used.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act to Amend and Supplement the Investment Promotion Act  
(SG No. 16/2013)

§ 31. Any and all pending administrative proceedings for issuing permanent residence permits on the authority of the repealed item 7 of Article 25(1) of the Foreigners in the Republic of Bulgaria Act shall be completed using the procedure, which has been applied to date.

**AMENDMENT AND SUPPLEMENT ACT**

to the Foreigners in the Republic of Bulgaria Act  
(SG No. 23/2013, amended, SG No. 56/2018)

.....  
**Supplementary Provision**

§ 33. This Act transposes the requirements of Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection (OJ L 132/1 of 19 May

2011).

## Final Provisions

.....  
§ 35. (Amended, SG No. 56/2018) Paragraph 4, Items 2, 3 and 4, § 20, Item 1, § 23, Item 2, § 24, § 26, Item 1 and § 28 shall apply after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

§ 36. Paragraph 12, item 2, § 14, items 2 and 3, § 15, 18, 19, § 27, item 2 in relation to Article 44a(4), § 32, item 3 in relation to § 1, item 13 of the Supplementary Provisions and § 34 shall enter into force on 1 May 2013.

## FINAL PROVISIONS

to the Act to Amend and Supplement  
the Employment Promotion Act  
(SG No. 70/2013, amended, SG No. 56/2018)

.....  
§ 22. (Effective 24.12.2013 - SG No. 70/2013) The Foreigners in the Republic of Bulgaria Act transposes the requirements set out in Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343/1 of 23 December 2011) and Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155/17 of 18 June 2009).

.....  
§ 25. (1) Paragraph 14, Paragraph 20(2) and (3), Paragraph 21(1), (3), (4) and (7), Paragraph 22 and Paragraph 23 shall enter into force on 24 December 2013.

(2) (\*) (Amended, SG No. 56/2018) Paragraph 21, Items 6, 8, Item 9, letter "b", Item 10, letter "a" and Item 11 shall enter into force after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

## TRANSITIONAL AND FINAL PROVISIONS

to the Amendment and Supplement Act  
to the Foreigners in the Republic of Bulgaria Act  
(SG No. 108/2013)

.....  
§ 4. This act shall also apply to applications for acquisition of Bulgarian citizenship by naturalization submitted in the period until its entry into force.

## TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act to Amend the Act on the Prohibition of Chemical Weapons  
and on Control of Toxic Chemicals and the Precursors thereof  
(SG No. 14/2015)

.....  
§ 29. In the Foreigners in the Republic of Bulgaria Act (promulgated in the SG No. 153 of 1998; amended in No. 70 of 1999, Nos. 42 and 112 of 2001, Nos. 45 and 54 of 2002, Nos. 37 and 103 of 2003, Nos. 37 and 70 of 2004, Nos. 11, 63 and 88 of 2005, Nos. 30 and 82 of 2006, Nos. 11, 29, 52, 63 and 109 of 2007, Nos. 13, 26, 28 and 69 of 2008, Nos. 12, 32, 36, 74, 82, 93 and 103 of 2009, No. 73 of 2010, Nos. 9 and 43 of 2011, Nos. 21 and 44 of 2012, Nos. 16, 23, 52, 68, 70 and 108 of 2013 and

No. 53 of 2014), the words "the Ministry of Economy, Energy and Tourism" shall be replaced passim by "the Ministry of Economy".

.....  
**TRANSITIONAL AND FINAL PROVISIONS**

to the Amendment and Supplement Act to the Asylum and Refugees Act  
(SG No. 80/2015, effective 16.10.2015)

.....  
§ 78. In the Foreigners in the Republic of Bulgaria Act (promulgated, State Gazette No. 153/1998, amended, SG No. 70/1999, SG Nos. 42 and 112 of 2001, SG Nos. 45 and 54 of 2002, SG Nos. 37 and 103 of 2003, SG Nos. 37 и 70 of 2004, SG Nos. 11, 63 and 88 of 2005, SG Nos. 30 and 82 of 2006, SG Nos. 11, 29, 52, 63 and 109 of 2007, SG Nos. 13, 26, 28 and 69 of 2008, SG Nos. 12, 32, 36, 74, 82, 93 and 103 of 2009, SG No. 73 of 2010, SG Nos. 9 and 43 of 2011, SG Nos. 21 and 44 of 2012, SG Nos. 16, 23, 52, 68 and 70, 108 of 2013, No. 53 of 2014 and No. 14 of 2015) the following amendments and supplements shall be made:

.....  
6. The word "special" shall be deleted everywhere in the Act.  
.....

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act to amend and supplement the Foreigners in the Republic of Bulgaria Act  
(SG No. 97/2016)

§ 52. (1) Foreign travel permits of stateless persons issued before the effectiveness of this Act shall be valid until the expiry of the term they were issued for.

(2) Foreign travel permits of a stateless person issued after this Act comes into effect shall be according to the standard form so far used, as approved by an act of the council of Ministers.

§ 53. Proceedings still pending by the effectiveness of this Act, except for proceedings for issuing of a "foreign travel permit of a stateless person", shall be completed according to the procedure so far applied.

.....  
**TRANSITIONAL AND FINAL PROVISIONS**

to the Act to Amend and Supplement the Act of the Ministry of Interior Act  
(SG No. 97/2017)

.....  
§ 47. The Foreigners in the Republic of Bulgaria Act (promulgated, State Gazette No. 153/1998, amended, SG No. 70/1999, SG Nos. 42 and 112 of 2001, SG Nos. 45 and 54 of 2002, SG Nos. 37 and 103 of 2003, SG Nos. 37 and 70 of 2004, SG Nos. 11, 63 and 88 of 2005, SG Nos. 30 and 82 of 2006, SG Nos. 11, 29, 52, 63 and 109 of 2007, SG Nos. 13, 26, 28 and 69 of 2008, SG Nos. 12, 32, 36, 74, 82, 93 and 103 of 2009, SG No. 73 of 2010, SG Nos. 9 and 43 of 2011, SG Nos. 21 and 44 of 2012, SG Nos. 16, 23, 52, 68, 70 and 108 of 2013, No. 53 of 2014, Nos. 14, 79 and 80 of 2015 and Nos. 15, 33, 97, 101 and 103 of 2016) shall be supplemented as follows:

.....  
§ 54. Any court procedures under the repealed Paragraphs 3 and 4 of Article 46a of the Foreigners in the Republic of Bulgaria Act which have been launched but not concluded prior to the entry into force of this Act shall be treated in accordance with the hitherto applicable procedure.

§ 55. Any proceedings for issuance of decisions and residence and work permits to third-country nationals under the Foreigners in the Republic of Bulgaria Act and the Labour Migration and Labour Mobility Act which have been launched but not concluded

prior to the entry into force of this Act shall be treated in accordance with the hitherto applicable procedure.

§ 56. (1) § 4, 6, 11, 12, 14, § 34, Item 1(b) and Item 2, § 40, 41, § 51, Item 1, Item 2 with reference to the second sentence, Item 7(b) and Item 12(b) and § 52 shall take effect as of 1 January 2018.

(2) § 44, Item 11 shall take effect as of 1 January 2017.

(3) § 45, Item 4 shall take effect as of 1 August 2017.

(4) § 47, Item 2 and Item 14(d), § 51, Item 2 with reference to the first sentence, Item 3(b) and Item 14(a) with reference to Item 68 shall take effect 6 months after the promulgation of this Act in the State Gazette.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Social Services Act

(SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

.....  
§ 45. (Amended, SG No. 101/2019) This Act shall enter into force on 1 July 2020 with the exception of:

1. Paragraph 6, subparagraph 5(a), Paragraph 7, subparagraph 2(a) and (b), subparagraph 3, subparagraph 6(a), subparagraph 9 and subparagraph 10, Paragraph 18(2) in the part concerning the "homes for medical and social care for children in accordance with the Medical Treatment Facilities Act" and Paragraph 20, subparagraph 2 in the part concerning the deleting of the text "and the homes for medical and social care for children" and subparagraph 5(c), which shall enter into force on 1 January 2021;

2. Paragraph 3(4)(f), (g) and (h) and Paragraph 28, subparagraph 1(a) and subparagraphs 2 and 5, which shall enter into force on 1 January 2019;

3. Article 22(4), Article 40, Article 109(1), Article 124, Article 161(2), Paragraphs 3(6), 30, 36, 37 and 43, which shall enter into force as from the day of promulgation of this Act in the State Gazette.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to amend and supplement the Foreigners in the Republic of Bulgaria Act

(SG No. 34/2019, amended, SG No. 60/2020, effective 1.02.2020)

§ 24. (Taking effect as of the first day following the withdrawal of the United Kingdom from the European Union – SG No. 34/2019, repealed, SG No. 60/2020, effective 1.02.2020).□

.....  
§ 34. (1) Paragraph 5, § 7, Item 1, letter "c" and § 17 shall take effect six months after their promulgation in the State Gazette.

(2) Paragraph 24 shall take effect as of the first day following the withdrawal of the United Kingdom from the European Union.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act on the Measures and Actions during  
the State of Emergency Declared by a Resolution  
of the National Assembly of 13 March 2020

(SG No. 28/2020, effective 13.03.2020,  
amended, SG No. 44/2020, effective 14.05.2020)

§ 10. (1) The validity of the residence documents of foreigners issued according to Items 1a, 2, 2a, 3, 4, 5 and 6 of Article 59 (2) of the Bulgarian Personal Documents Act, as well as of the documents referred to in Article 59 (3) of the said Act, issued to family members of citizens of the European Union, family members of nationals of States that are parties to the Agreement on the European Economic Area, family

members of nationals of the Swiss Confederation, who are not citizens of the European Union, nationals of a State that is party to the Agreement on the European Economic Area or the Swiss Confederation and, who, by virtue of international treaties concluded with the European Union, enjoy rights of free movement, and of the documents issued according to Article 59 (4) of the said Act to citizens of the European Union, to nationals of States that are parties to the Agreement on the European Economic Area, to nationals of the Swiss Confederation who, by virtue of international treaties concluded with the European Union, enjoy rights of free movement, which expires during the period from the 13th day of March 2020 until the 31st day of October 2020, shall be extended by six months. For the duration of the extension, the residence documents shall be considered valid solely within the territory of the Republic of Bulgaria, and the said documents shall only attest to the right of residence. At the request of the holder, a new residence document may be issued even before the expiry of the extended six-month period.

(2) The validity of personal identity cards which expires during the period from the 13th day of March 2020 until the 31st day of October 2020 shall be extended by six months. For the duration of the extension, the personal identity card shall be a valid identification identity document solely within the territory of the Republic of Bulgaria. At the request of the holder, a new personal identity card may be issued even before expiry of the extended six-month period.

(3) The validity of driving licences which expires during the period from the 13th day of March 2020 until the 31st day of October 2020 shall be extended by six months. For the duration of the extension, the driving licence shall be a valid individual document certifying a licensed competence to operate a motor vehicle solely within the territory of the Republic of Bulgaria. At the request of the holder, a new driving licence may be issued even before expiry of the extended six-month period.

.....  
§ 52. (Amended, SG No. 44/2020, effective 14.05.2020) This Act shall enter into force on the 13th day of March 2020 with the exception of Article 5, § 3, § 12, § 25 to 31, § 41, § 49 and § 51 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the  
Foreigners in the Republic of Bulgaria Act  
(SG No. 21/2021)

§ 31. (Effective 1.06.2021 - SG No. 21/2021) Any proceedings for issuance of decisions and residence and work permits to third-country nationals under the Foreigners in the Republic of Bulgaria Act and the Labour Migration and Labour Mobility Act which have been launched but not concluded by 31 May 2021 shall be treated in accordance with the hitherto applicable procedure.

§ 32. The fact that a foreigner in possession of a long-term or a permanent residence permit was not in the territory of a Member State of the European Union from 13 March 2020 until 31 December 2021 shall not serve as grounds for imposing a coercive administrative measure under Article 40, Paragraph 1, Item 6.

.....  
§ 38. (1) Paragraph (1) shall apply after the entry into force of the Council decision on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

(2) Paragraphs 8 – 12, 15 – 22, 28, 31, § 34, Item 1, Letters "a" and "b", § 35 and 36 shall take effect as of 1 June 2021.

(3) Paragraph 33, Item 7 shall take effect as of 1 February 2020.

## TRANSITIONAL AND FINAL PROVISIONS

to the Amendment and Supplement Act to the Bulgarian Citizenship Act  
(SG No. 21/2021)

§ 13. The applications submitted prior to the entry into force of this Act shall be considered and decided upon under the terms and conditions applicable hitherto, with the exception of the requirements laid down in Article 22, Article 32a and Article 35, Paragraph 4, which shall also apply to the pending proceedings in connection with Bulgarian citizenship.

§ 14. (1) A person who, until the entry into force of this Act, has been granted a permit for permanent residence in the Republic of Bulgaria on the grounds of Article 25, Paragraph 1, Items 6 and 7 of the Foreigners in the Republic of Bulgaria Act in accordance with the statutory provisions effective at the time of the investment, shall have the right to submit an application to acquire Bulgarian citizenship, in case the person meets the conditions stipulated in Article 12, Paragraph 1, Items 1, 2, 3 and 4 and provided that the investment the said person has made has been maintained for a period of at least 5 years.

(2) The family members of a person under Paragraph (1) shall have the right to submit applications to acquire Bulgarian citizenship, if they meet the conditions laid down in Article 12, Paragraph 1, Items 2, 3 and 4, and the person referred to in Paragraph (1) has acquired Bulgarian citizenship.

§ 15. Within three months as of the entry into force of this Act, the electronic register under Article 38a shall be established.

§ 16. Within 6 months as of the establishment of the electronic register referred to in Article 38a, there shall be entered all the applicants' data submitted to the State Agency for Bulgarians Abroad from 1 January 2011 until 31 December 2020.

§ 17. Within 6 months as of the entry into force of this Act:

1. The Council of Ministers:

a) shall adopt the Rules referred to in Article 29, Paragraph 7 and the Ordinance referred to in Article 38a;

b) shall bring the organisational rules, it has adopted, into line with this Act;

2. the ministers and the chairmen of state agencies shall bring in compliance with this Act both the instruments related to its implementation and the councils they have established running counter to its requirements;

3. the Minister of Economy shall issue the Ordinance referred to in Article 14a, Paragraph 4.

.....

## FINAL PROVISIONS

to the Act amending and supplementing the Investment Promotion Act  
(SG No. 22/2022, effective 18.03.2022)

.....

§ 7. In the Foreigners in the Republic of Bulgaria Act (promulgated, SG No 153/1998, amended, SG No. 70/1999, SG Nos. 42 and 112 of 2001, SG Nos. 45 and 5 of 2002, SG Nos. 37 and 103 of 2003, SG Nos. 37 and 70 of 2004, SG Nos. 11, 63 and 88 of 2005, SG Nos. 30 and 82 of 2006, SG Nos. 11, 29, 52, 63 and 109 of 2007, SG Nos. 13, 26, 28 and 69 of 2008, SG Nos. 12, 32, 36, 74, 82, 93 and 103 of 2009, SG No. 73/2010, SG Nos. 9 and 43 of 2011, SG Nos. 21 and 44 of 2012, SG Nos. 16, 23, 52, 68, 70 and 108 of 2013, No. 53/2014, Nos. 14, 79 and 80 of 2015 and Nos. 15, 33, 97, 101 and 103 of 2016, SG No. 97/2017, SG Nos. 14, 24, 56 and 77 of 2018, SG Nos. 1, 24, 34, 58 and 101 of 2019 and SG Nos. 17, 28, 44, 60, 89 and 98 of 2020 and SG No. 21/2021) the words "the Ministry of Economy" shall be replaced passim by "the Ministry of Innovation and Growth".



.....

