

# FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT

*Prom. SG. 153/23 Dec 1998, amend. SG. 70/6 Aug 1999, amend. SG. 42/27 Apr 2001, amend. SG. 112/29 Dec 2001, amend. SG. 45/30 Apr 2002, amend. SG. 54/31 May 2002, amend. SG. 37/22 Apr 2003, amend. SG. 103/25 Nov 2003, amend. SG. 37/4 May 2004, amend. SG. 70/10 Aug 2004, amend. SG. 11/1 Feb 2005, amend. SG. 63/2 Aug 2005, amend. SG. 88/4 Nov 2005, amend. SG. 30/11 Apr 2006, amend. SG. 82/10 Oct 2006, amend. SG. 11/2 Feb 2007, amend. SG. 29/6 Apr 2007, amend. SG. 52/29 Jun 2007, amend. SG. 63/3 Aug 2007, amend. SG. 109/20 Dec 2007, amend. SG. 13/8 Feb 2008, amend. SG. 26/7 Mar 2008, amend. SG. 28/14 Mar 2008, amend. SG. 69/5 Aug 2008, amend. SG. 12/13 Feb 2009, amend. SG. 32/28 Apr 2009, amend. SG. 36/15 May 2009, amend. SG. 74/15 Sep 2009, amend. SG. 82/16 Oct 2009, amend. SG. 93/24 Nov 2009, amend. SG. 103/29 Dec 2009, amend. SG. 73/17 Sep 2010, amend. SG. 9/28 Jan 2011, amend. SG. 43/7 Jun 2011, amend. SG. 21/13 Mar 2012, amend. SG. 44/12 Jun 2012, amend. SG. 16/19 Feb 2013, amend. SG. 23/8 Mar 2013, amend. SG. 52/14 Jun 2013, amend. SG. 68/2 Aug 2013, amend. SG. 70/9 Aug 2013, amend. SG. 108/17 Dec 2013, amend. SG. 53/27 Jun 2014, amend. and suppl. SG. 14/20 Feb 2015, amend. SG. 79/13 Oct 2015, amend. and suppl. SG. 80/16 Oct 2015, amend. SG. 15/23 Feb 2016, amend. and suppl. SG. 33/26 Apr 2016, amend. and suppl. SG. 97/6 Dec 2016, amend. and suppl. SG. 101/20 Dec 2016, suppl. SG. 103/27 Dec 2016, amend. and suppl. SG. 97/5 Dec 2017, suppl. SG. 14/13 Feb 2018, amend. and suppl. SG. 24/16 Mar 2018, amend. SG. 56/6 Jul 2018, **amend. SG. 77/18 Sep 2018***

## Chapter one. GENERAL PROVISIONS

Art. 1. (amend. – SG 29/07) (1) This Act shall establish the terms and the procedure under which foreigners may enter, reside and leave the Republic of Bulgaria.

(2) This Act shall also apply to family members of Bulgarian citizens, who aren't citizens of a Member State of the European Union or of a state, party to the Agreement on European Economic Area, or of the Swiss Confederation.

(3) (suppl. - SG 97/16) The terms and the procedure under which the citizens of other Member States of the European Union, and their family members, as well as the nationals of states, party to the Agreement on European Economic Area and of the Swiss Confederation and their family members enter, reside and leave the Republic of Bulgaria, shall be determined by the Act On Entering, Residing And Leaving The Republic Of Bulgaria By European Union Citizens, Who Are Not Bulgarian Citizens And Their Family Members.

Art. 2. (amend. – SG 29/07) (1) (amend. - SG 36/09) A foreigner within the meaning of this Act shall be any person who is not a Bulgarian citizen.

(2) (new – SG 9/2011, amend. - SG 97/16) Foreigner shall also be the stateless person - a person who is not considered a citizen by any state according to its legislation.

(3) Family members of a foreigner shall be persons who live with him in one household and who are:

1. a spouse;
2. children of the foreigner and of his/her spouse, including the adopted children, who are not of age of 18 years and are not in matrimony;
3. children of the foreigner, including the adopted children, who are not of age of 18 years and are not in matrimony, in the cases where he/she is entitled to the parental rights and the children are on alimony provided by him/her;
4. children of his/her spouse, including the adopted children, who are not of age of 18 years and are not in matrimony.

(4) (new – SG 9/2011; amend. and suppl. – SG 23/13) As family members shall also be considered the children of a foreigner or his/her spouse, who have turned 18 years age and who have not concluded matrimony in the cases where significant medical reasons require personal care for them or they are unable to provide for themselves due to the same reasons.

(5) (new – SG 9/2011) In the cases where the foreigner already has a spouse, who lives with

him/her on the territory of the Republic of Bulgaria, union of the family with another spouse shall be forbidden.

(6) (previous Para 2 – SG 9/2011; amend. – SG 23/13) Members of the family of a Bulgarian citizen shall be the persons, living together with him/her in one household and are:

1. a spouse;
2. relatives of descending line, including in case they are descendents only of the person under item 1, who haven't turned twenty-one years of age and have not entered into a marriage;
3. relatives of descending line, including in case they are descendents only of the person under item 1, who have turned twenty-one years of age, but do not have income of their own for they are not in a condition to provide their maintenance or serious health reasons enforce the Bulgarian citizen to take personal care of them;
4. (amend. – SG 9/2011) relatives of ascending line to whom the Bulgarian citizen or the person under item 1 provides maintenance;
5. (amend. – SG 23/13) other members of his/her household, who have been at his/her support entirely in the state of their origin or in the state of their customary residence or serious health reasons require the Bulgarian citizen to take personal care of them.

Art. 3. (1) The foreigners in the Republic of Bulgaria shall have all rights and obligations according to the Bulgarian laws and the ratified international agreements to which the Republic of Bulgaria is a party except these for which Bulgarian citizenship is required.

(2) (amend. – SG 29/07) With regards to foreigners accredited as members of diplomatic and consular representations, as well as representations of international organisations in the Republic of Bulgaria, who enjoy immunity and privileges, applied shall be universally accepted norms of diplomatic and consular law and the international agreements, to which the Republic of Bulgaria is a party.

Art. 4. The foreigners staying in the Republic of Bulgaria shall be obliged to observe the laws and the established legal order, to be loyal to the Bulgarian state and not to derogate the prestige and dignity of the Bulgarian people.

Art. 5. (revoked – SG 29/07)

Art. 6. (amend. - SG 97/16) Foreigners who are on territory under the sovereignty of the Republic of Bulgaria shall bear civil, administrative and criminal liability as do the Bulgarian citizens, insofar as a special act, an international treaty or the norms of customary international law do not provide otherwise.

Art. 7. (amend. SG 54/02; amend. - SG 80/15, in force from 16.10.2015) The terms and the procedure for providing protection to foreigners in the territory of the Republic of Bulgaria shall be set out in a special Act.

Art. 7a. (New - SG 97/17, in force from 06.06.2018) Unaccompanied minors and persons under age shall be represented in the proceedings under this act by the "Social Assistance" Directorate at their place of residence.

## **Chapter two.**

### **ENTRY AND AIRPORT TRANSIT ARRANGEMENTS (Title amend. – SG 29/07)**

Art. 8. (amend. – SG 29/07) (1) (amend. - SG 97/16) A foreigner may enter in the Republic of Bulgaria if he/she holds a valid passport or a document for travelling substituting it, as well as a visa, in case such is required.

(2) (suppl. – SG 9/2011) Visas shall not be required in case this is provided in Council Regulation (EC) No 539/2001 of 15 March 2001, in other acts of the European Union with binding effect, in an international agreement, to which the Republic of Bulgaria is a party, or in act of the Council of Ministers.

(3) amend. – SG 9/2011) Visas shall not be required also in the cases where the foreigner has a valid permit for extended, long-term or permanent residence.

(4) (new - SG 9/11) Following the acceptance and approval of an application for family reunion, the family members shall be issued with visas under a simplified procedure under the terms and conditions, set by an act of the Council of Ministers.

Art. 8a. (new – SG 29/07) (1) A foreigner, who is not a family member of a Bulgarian citizen, may enter the territory of the Republic of Bulgaria with a passport and a visa, in case such is required. A visa shall be issued under terms and following a procedure, determined by the Council of Ministers, without paying taxes for processing the documents and issuing the visa.

(2) Visas shall not be required in case a foreigner – member of the family of a Bulgarian citizen, has a residence card of a member of the family of a European Union citizen, issued in:

1. the Republic of Bulgaria, if the grounds of issue thereof have dropped out;
2. another Member State of the European Union, in case he/she escorts or joins a Bulgarian citizen.

(3) (revoked - SG 97/16)

(4) (amend. - SG 97/16, amend. - SG 77/18, in force from 01.01.2019) Border control authorities shall not allow entry into the territory of the Republic of Bulgaria to a person who claims grounds for entry as a member of the family of a Bulgarian citizen, but who has not proved this within a reasonable period of time with a document under par. 2 or with other respective document. The refusal shall be motivated and be subject to appeal under the Art. 46.

Art. 9. (Amend., SG 42/01; amend. – SG 29/07; amend. – SG 9/2011, amend. - SG 97/16) The visa shall be an authorisation for entry and stay or airport transit.

Art. 9a. (new – SG 29/07) (1) (revoked - SG 97/16)

(2) The types of visas are:

1. airport transit visa (Category A);
2. (revoked – SG 9/2011);
3. short-stay visa (Category C);
4. long-stay visa (Category D).

(3) (suppl. – SG 103/09; revoked – SG 9/2011)

(4) (revoked – SG 9/2011)

(5) (new – SG 103/09; revoked – SG 9/2011)

Art. 9b. (new – SG 29/07) (1) (amend. - SG 97/16) The visa shall be issued by customizing a visa sticker according to a European Union format.

(2) The data, entered in the visa sticker, may not be changed.

Art. 9c. (new – SG 29/07) (1) (amend. - SG 97/16) The visa sticker shall be affixed in a valid passport or other valid document for travelling substituting it and acknowledged by the Republic of Bulgaria.

(2) (amend. - SG 97/16) When the foreigner has a passport or a document for travelling substituting

it, which is not acknowledged by the Republic of Bulgaria, the visa sticker may be placed on a form for affixing visas according to a unified European Union format which has been confirmed by an act of the Council of Ministers.

(3) (amend. – SG 93/09, in force from 25.12.2009; suppl. - SG 54/02; suppl. – SG 23/13) The Ministry of Interior, coordinated with the Ministry of Foreign Affairs and the Ministry of Transport, Information Technology and Communications shall keep and update a list of the documents for travelling abroad, issued by states, international organisations, as well as by other subjects of the international public law, where may be placed visa sticker, and which entitle the foreigner to enter the territory of the Republic of Bulgaria. The terms and the procedure for coordination of the national position of the Republic of Bulgaria in relation to recognition or non-recognition of travel documents shall be defined by a regulation of the Council of Ministers.

(4) (amend. - SG 97/16) The terms and procedure for printing, storing, affixing, invalidation, discarding and destruction of visa stickers and of forms for placement of visas shall be determined by an act of the Council of Ministers.

Art. 9d. (amend. - SG 97/16) (1) Officials authorized by the head of the respective structure in the Ministry of Foreign Affairs, in diplomatic and consular missions of the Republic of Bulgaria abroad and in border control authorities, may decide to issue, to refuse to issue, to cancel and revoke visas, and in the offices for administrative control of foreigners - to cancel and revoke visas, under conditions and procedures specified by the ordinance under Art. 9e, Para. 1.

(2) Subject to the order established in the International Treaties of the Republic of Bulgaria Act may be concluded bilateral and multilateral agreements on representation to accept and process visa applications and on exchange of personal data in connection therewith.

(3) The Minister of Foreign Affairs or an empowered by him/her official may enter into a cooperation agreement with a contractor on representation for accepting and processing visa applications and processing of personal data subject to protection of personal data provisions, under conditions and procedures specified by the ordinance of Art. 9f, Para. 1.

(4) The diplomatic and consular missions may co-operate with commercial intermediaries based on accreditation, which shall be awarded under terms and conditions determined by the ordinance under Art. 9f, para. 1, for accepting and processing visa applications, except for the collection of biometric data.

Art. 9e. (new – SG 29/07; amend. and suppl. – SG 9/2011, amend. - SG 97/16) As an exception, where this is required by the state interest, due to extraordinary circumstances or on humanitarian grounds, the border control authorities at border checkpoints may issue single entry visas for short stays with validity and length of stay of up to 15 days. About the issued visas the State Agency for National Security shall be informed immediately.

Art. 9f. (new – SG 29/07; amend. – SG 23/13) (1) (amend. - SG 97/16) The terms and procedure for issuance, refusal to issue, cancellation and revocation of visas and for determining the visa regime shall be determined by an ordinance of the Council of Ministers.

(2) The terms and the procedure for coordination of applications for visas shall be defined by an instruction of Minister of Foreign Affairs, the Minister of Interior and the Chairperson of State Agency for National Security.

Art. 9g (new – SG 9/2011) (1) (amend. - SG 97/16) To have a visa issued, the applicant shall submit a completed and signed application form, attaching to it documents proving the purpose of the journey. The visa issuance application forms shall be determined with the ordinance of Art. 9f, para. 1.

(2) (amend. - SG 97/16) The deadlines for submitting applications for visa issuance shall be

determined with the ordinance of Art. 9f, para. 1.

(3) (amend. - SG 97/16) When submitting a visa application, personal data, including biometric data shall be collected and processed. The procedure for collecting the data shall be determined with the ordinance of Art. 9f, para. 1.

(4) (suppl. - SG 97/16) The following applicants shall be exempt from the requirement to provide fingerprints when submitting visa applications for airport transit visas and for short-term stay:

1. children under 12 years;
2. persons, for whom fingerprinting is physically impossible; if fingerprinting of fewer than 10 fingers is possible, the respective number of fingerprints is taken; if fingerprinting is temporarily impossible, the applicant is required to give fingerprints at a following application;
3. (amend. - SG 97/16) state or government heads and members of the national government and their accompanying spouses, as well as members of their official delegation when invited by the governments of Member States or by international organizations;
4. royalty and other senior members of the royal family when invited by the governments of Member States or by international organizations for an official purpose.

(5) (New - SG 97/16) Exempt from the requirement to provide fingerprints when submitting visa applications for long-term stay shall be:

1. children up to 12 years;
2. persons, for whom the taking of fingerprints is physically impossible; if fingerprinting from less than 10 fingers is possible, than the possible number of fingerprints shall be taken; if fingerprinting is temporarily impossible, the applicant is required to give fingerprints at a following application;
3. persons appointed as heads of diplomatic or consular missions accredited for the Republic of Bulgaria, or as heads of headquarters of international organizations in the territory of the country - where so provided in an international agreement or under conditions of reciprocity;
4. members of the diplomatic staff of diplomatic missions and of consular staff of consular missions accredited for the Republic of Bulgaria - where so provided in an international agreement or under conditions of reciprocity;
5. staff members of the headquarters of international organizations in the country when they enjoy diplomatic immunity under international treaty.

(6) (prev. para. 5, amend. and suppl. - SG 97/16) Aside from the competent authorities for visa issuance, the data in the visa information system may be used for the purposes of border controls, the administrative control of foreigners, granting asylum and by the authorized competent national authorities of the Republic of Bulgaria or of another Member - State of the European Union, for the prevention, detection and investigation of terrorist acts and crimes, as defined in Art. 36, para. 1 of the Extradition and European Arrest Warrant Act. Procedure of data access shall be determined by an act of the Council of Ministers.

(7) (new - SG 23/13, previous para. 6, amend. - SG 97/16) The regulations regarding the operation of the national visa information system shall be defined by an instruction of the Minister of Foreign Affairs.

Art. 9h. (new – SG 9/2011, amend. - SG 97/16) (1) When the visa applicant has not presented a valid passport or a valid document for travel substituting it, or has refused to have his biometric data collected, or the visa fee has not been paid, the application for visa issuance shall be inadmissible.

(2) In the cases under par. 1, the diplomatic or consular mission shall immediately return the application, shall return the paid visa fee and the documents attached to the application, and shall destroy the collected biometric data.

(3) Before deciding on an application for a visa issuance, the authorized officials shall have the right to require additional data and documents from the visa applicants, with which the latter to justify their stated purpose of travel, and shall be obliged to carry out the necessary checks of the requested data.

(4) As an exception, when the requirements of para. 1 have not been met, the application may be considered admissible due to reasons of humanitarian nature or where it is imposed by the interest of the

State.

(5) The accepted application for visa issuance and the attached documents certifying the purpose of the travel, shall not create an obligation to issue a visa.

Art. 10. (1) The issuing of visa and entering in the country shall be refused to a foreigner when:

1. (suppl. – SG 29/07, amend. and suppl. - SG 97/16) with his activities he has put or could put in danger the international relations, the security or the interests of the Bulgarian State or about whom there are data that he acts against the national security;

1a. (new - SG 101/16, in force from 20.12.2016) there are data that he commits, abets, participates in the preparation, aid or training for performing a terrorist activity or that purpose of entry is to use the country as a transit point to a third country in whose territory to carry out these actions;

2. (suppl. – SG 9/2011) with his activities he has discredited the Bulgarian state or has derogated the prestige and the dignity of the Bulgarian people or by his entrance in the country relations of the Republic of Bulgaria with another country could be harmed;

3. (amend. – SG 11/07; amend. – SG 73/10, in force from 17.09.2010; amend. - SG 101/16, in force from 20.12.2016) there are data that he is a member of a criminal group or organisation or that he implements smuggling and illegal transactions with arms, explosives, ammunitions, pyrotechnical products, strategic raw materials, products and technologies with double use as well as illegal traffic of anaesthetic and psychotropic substances and precursors and raw materials for their production;

4. there are data that he implements trade with people and illegal bringing persons in the country and bringing out of the country persons to other states;

5. he has been expelled from the Republic of Bulgaria sooner than 10 years ago and has not restored in 6 months term after the expel the funds spent for this by the country;

6. (amend. – SG 9/2011) he is sentenced for a committed premeditated crime on the territory of the Republic of Bulgaria which according to the Bulgarian law is sanctioned with a punishment of more than 1 year imprisonment;

7. (amend. – SG 29/07) he has made an attempt to enter the country or to pass through it using false or forged documents, visa or residence permit;

8. it could be supposed that he will disseminate grave infectious disease, suffers from a disease which according to the criteria of the Ministry of health or the World Health Organisation represents a threat for public health or when he does not have a certificate for vaccination, or comes from a region with complicated epidemic or epizootic situation;

9. he has no ensured maintenance and the necessary obligatory insurances during the stay in the country and funds ensuring opportunity for returning back;

10. (amend. - SG 97/16) there are findings that in the last two years he has breached the border regime, the passport - visa, the currency or the customs regime of the Republic of Bulgaria;

11. at previous stay he has breached the labour or tax legislation of the country;

12. he has no visas or tickets for the following countries along the route;

13. (amend. - SG 97/16) to the person has been imposed compulsory administrative measure not to enter the country;

14. (amend., SG 42/01; amend. – SG 9/2011) he is included in the informational massif of the unwelcome foreigners in the country;

15. (New - SG 42/01; revoked - SG 97/16)

16. (new – SG 29/07, amend. - SG 97/16) applies for a visa with an invalid passport or a document for travelling substituting it.

17. (new – SG 9/11, amend. and suppl. - SG 97/16) he/she does not prove with credibility the purpose and conditions of the requested stay or transit or airport transit;

18. (new – SG 9/11, amend. - SG 97/16) has already stayed on the territory of the Republic of Bulgaria for 90 days within the last 180 days as a holder of a visa for short-stay or under a visa-free regime

for short stays;

19. (\*) (new – SG 9/11) is a person, about who a signal into the Schengen Information System for refusal of permission of entrance has been entered.

20. (new – SG 9/2011) in case of a previous stay in the country, the person have been committing breaches of the public order systematically;

21. (new – SG 9/11) indications exists, that the purpose of the crossing the border is to stay in the country as an immigrant without the needed for this special permission;

22. (new – SG 9/11) data exists, that the purpose of his/her entry is to use the country as an transit point for immigration to a third country;

23. (new – SG 43/11, in force from 15.06.2011) has submitted a document containing false information or declared false data;

24. (new – SG 23/13, amend. - SG 97/16) there are reasonable doubts about the authenticity of the attachments to the visa, the veracity of their contents, the reliability of the statements by the foreigner or his/her intention to leave the country within the term allowed for the stay.

25. (new - SG 97/16) the person has been imposed compulsory administrative measure under Art. 41, unless voluntary return has been permitted.

(2) (amend. – SG 9/11) In the cases of Para 1, issuance of a visa or of a permission to enter the territory of the Republic of Bulgaria may be done due to humanitarian reasons or where the State interest or execution of international obligations enforce so.

(3) (new – SG 9/11, revoked - SG 97/16)

Art. 10a. (New - SG 97/16) (1) Refusals to issue visas may be appealed under the Administrative Procedure Code with regard to their legitimacy.

(2) In deciding to refuse a visa, the authorized officials shall be required to notify the applicant in writing about the legal grounds and their motivation for such decision.

(3) The grounds for refusal to issue visas under Art. 10, para. 1, items 1-3, and also when disclosure of data and circumstances, based on which the decision was taken, affect or are likely to affect directly the foreign policy and international relations of the Republic of Bulgaria or the national security, shall be specified in a separate document prepared by the relevant authorities. If this document contains classified information, it shall be drawn under the Protection Of Classified Information Act.

(4) Refusal to issue visas under Art. 9a, para. 2, item 4 shall not be subject to appeal in court unless the person is claiming infringement of fundamental rights and freedoms under the European Convention on Human Rights.

Art. 11. (suppl. – SG 29/07; revoked – SG 9/11)

Art. 12. (amend. – SG 29/07) (1) (amend. - SG 97/16) Airport transit visa may be issued to a foreigner who intends to arrive with an aircraft from one state and stays in the international transit zone at an airport, in the Republic of Bulgaria with the purpose to continue his/her trip by the next flight along the route for another state.

(2) A foreigner travelling with an airport transit visa shall be considered as not admitted on the territory of the Republic of Bulgaria.

Art. 13. (Amend., SG 42/01; amend. – SG 29/07; revoked. – SG 9/11)

Art. 14. (Amend., SG 42/01; amend. – SG 29/07; amend. – SG 9/11) (1) (amend. - SG 97/16) A short-stay visa may be issued to a foreigner who intends to pass transit through the territory of the Republic of Bulgaria or to stay short-term on the territory for a period of up to 90 days within 180 days.

(2) (amend. - SG 97/16) The short-stay visa for transit shall entitle the holder to enter the territory of the Republic of Bulgaria and to leave it within 48 hours on the road from one state to another, unless provisions of an international treaty or European Union law, which are in force and are applied by the Republic of Bulgaria, do not provide otherwise.

(3) (revoked - SG 97/16)

(4) (suppl. - SG 97/16) The short-stay visa may be valid for up to 5 years and may be issued for one, two or multiple entries.

(5) (amend. - SG 97/16) Regardless of the data declared with the visa application, based on the results of performed checks and the risk assessment, the authorized officials shall have the right to determine shorter validity terms of visas and duration of authorized stay.

Art. 14a. (New, SG 42/01; revoked – SG 103/09, new - SG 97/17) (1) A short-stay visa may also be issued to a foreigner who wishes to do seasonal work under the conditions of Art. 24k.

(2) In the cases under Para. 1, on the visa sticker shall be indicated that it was issued for seasonal work.

Art. 15. (amend. – SG 29/07) (1) (suppl. – SG 9/11; suppl. – SG 21/12, amend. - SG 97/16) Long-stay visa with a validity term of up to 6 months and with right to stay for up to 180 days may be issued to a foreigner who wishes to obtain permit for continuous, long-term or permanent residence in the Republic of Bulgaria based on one of the grounds, specified in this act.

(2) (suppl. – SG 16/13, amend. - SG 97/16) Long-stay visas with a validity term of up to one year and with right of stay for up to 360 days may be issued when this is stipulated in the ordinance of Art. 9f, para. 1.

(3) A long-stay visa shall entitle the foreigner to repeated entry in the territory of the Republic of Bulgaria within the validity term thereof.

(4) (amend. and suppl. - SG 97/16) A long-stay visa under Para. 1 shall be invalidated at issuing a residence permit by the services for administrative control of foreigners, while when issuing a card under Art. 23a – by the Ministry of Foreign Affairs.

Art. 16. (amend. – SG 29/07) (1) The possession of a visa cannot be the only ground to enter and stay in the Republic of Bulgaria.

(2) (amend. – SG 9/11) The bodies of border control shall not admit entry in the Republic of Bulgaria of a foreigner, who has a visa, in the cases referred to in Art. 10 , Para 1 or in the event of non-fulfilment of the requirements of Art. 19.

(3) The bodies of border control shall provide a foreigner, to whom has been refused entry, with unified form according to European Union model, in which are reflected the reasons for his/her non-admission in the territory of the state. The model of the form shall be approved by an act of the Council of Ministers.

(4) The bodies of border control and the services for administrative control of foreigners shall be able to cancel an issued visa, to reduce the number of permitted entries or the term for stay in the event of non-fulfilment of the requirements under this Act following the procedure, determined by an act of the Council of Ministers. In these cases the Ministry of Foreign Affairs shall be notified immediately.

(5) (amend. - SG 97/16) The Ministry of Foreign Affairs and the diplomatic and consular representations shall be able to cancel an issued visa, to reduce the number of permitted entries or the term for stay in the event of non-fulfilment of the requirements under this Act following the procedure, determined by the ordinance of Art. 9f, Para. 1.



Art. 17. (amend. – SG 29/07) (1) The foreigners shall enter in the Republic of Bulgaria and exit its territory only through the border-crossing checkpoints, determined by an act of the Council of Ministers or in international agreement.

(2) A foreigner who holds more than one personal document for travelling abroad and identity document or carries such documents of another person, shall be obliged to announce them before the bodies of border control.

(3) A foreigner who has more than one citizenship shall be obliged to declare before the bodies for border control the citizenship which he will resort to during the stay in the Republic of Bulgaria and to certify this with a valid document for travel abroad from the country which citizenship he has declared.

(4) A foreigner who holds more than one valid document for travelling abroad shall be obliged to leave the country with the document with which he has entered.

(5) (amend. - SG 97/16) The bodies of border control and the services for administrative control of foreigners can take biometric data for the purpose of checking the asserted identity of the foreigner or establishing their actual identity.

(6) (amend. - SG 97/16) Upon entering and leaving the territory of the Republic of Bulgaria the border control authorities shall stamp the passport of the foreigner or the document for travelling substituting it.

Art. 18. (Amend., SG 42/01, amend., SG 63/05 – in force from 01.01.06) (1) At entering in the Republic of Bulgaria, the foreigner shall declare the purpose of his/her visit and shall point out in written his/her address where he/she will stay fulfilling an address card form, approved by the Minister of Interior.

(2) (suppl. - SG 97/16) The accredited foreigners as members of foreign diplomatic, consular and trade-representative offices, as well as of representative offices of intergovernmental organizations in the Republic of Bulgaria, shall be registered at the Ministry of Foreign Affairs under the terms and conditions, set out in an international treaty, an act or in an act of the Council of Ministers.

(3) (amend. – SG 29/07) The foreigners who pass transit through the territory of the Republic of Bulgaria shall not fulfil address cards.

Art. 19. (amend. – SG 29/07) (1) A foreigner who enters in the Republic of Bulgaria or passes transit through its territory, depending on the purpose of the travelling, shall hold:

1. (amend. - SG 97/16) a valid passport or a document for travelling substituting it, as well as a visa, where necessary;

2. sufficient resources for providing his/her maintenance according to the duration and the conditions of the stay in the Republic of Bulgaria, as well as for returning in the state of their permanent residence or for passing through the Republic of Bulgaria;

3. (suppl. – SG 9/11) health insurance and other insurances, in the cases where such are required;

4. invitation in a form, where such is required;

5. (suppl. – SG 23/13) other documents, proving the purpose of the travelling and the conditions of intended stay.

(2) (amend. - SG 97/16) The extent of the financial resources of para 1, item 2, the minimum insurance amounts and the insurance risks covered under para 1, item 3, the form of the invitation and the documents referred to in para 1, item 5 shall be determined with the ordinance of Art. 9f, Para. 1.

Art. 20. (Amend., SG 42/01; amend., SG 37/03) (1) (amend. – SG 29/07) A carrier transporting by land, air or sea to and/or from the Republic of Bulgaria foreigners, before performing the service, shall be obliged to establish:

1. (amend. - SG 97/16) the existence and validity of the travel document and of the visa, if required, and whether they contain obvious corrections, cancellations, deletions, additions and others in the data,

traces of image replacement, and whether the image in the picture allows for the identification of the holder;

2. the presence of visas for the state/states which the persons wish to visit or through which they wish to pass, if so required, in the cases of airport transit or transit passing through the territory of the Republic of Bulgaria.

(2) (amend. - SG 97/16) In the cases when a foreigner is refused entry in the Republic of Bulgaria, the carrier who has transported the foreigner shall be obliged, on request of the bodies of border control to return him, for his account, to the country from which he has been transported, to the country which has issued the travel document by which the foreigner has arrived, or to another country where he would be admitted. If the return cannot be completed immediately the expenses related to the stay of the foreigner shall be for the account of the carrier.

(3) The carrier shall also be obliged to return, for his account by the order of para 2, a foreigner passing in transit the Republic of Bulgaria and the subsequent carrier refuses to transport him to the country of destination.

(4) The provisions of para 2 and 3 shall apply respectively regarding a foreigner sent back to the Republic of Bulgaria, who has passed the country in transit.

Art. 20a. (new – SG 63/07; revoked - SG 15/16)

Art. 20b. (New - SG 97/16) If necessary and under the International Treaties of the Republic of Bulgaria Act, agreements may be concluded with the competent authorities of other countries on the sending and receiving of experts in the field of travel documents' security and to carry out checks at airports in the territories of the contractual parties of the travel documents of passengers of international flights.

Art. 20c. (new - SG 103/16) (1) Border control authorities and services for administrative control of foreigners may conduct an interview with entered the territory of the Republic of Bulgaria foreigners in order to implement control activities.

(2) For the interview a protocol shall be drawn up.

(3) The interview may be conducted by other authorities under a procedure, established by law.

Art. 21. (1) a foreigner who with a transport means enters, stays or passes transit the country on road, in the air or on water must have:

1. permission for passing of the transport means when such is required according to the Bulgarian legislation and the international agreements to which the Republic of Bulgaria is a party;

2. documents certifying the registration of the transport means;

3. documents certifying the ownership of the transport means if this is not ascertained in the documents of item 2;

4. obligatory insurance;

5. documents for driving competence.

(2) Transport means shall not be admitted to enter in the country if the grounds of para 1, item 1, 4 and 5 are not at hand.

(3) (Suppl., SG 42/01; amend. – SG 82/06; amend. – SG 29/07) The bodies for border control shall keep the transport means and the documents if the grounds of para 1, item 2 and 3 are not fulfilled, about which a record shall be compiled, a copy of which shall be handed over to the foreigner. The record and the documents shall be sent to the customs bodies of competence.

(4) A foreigner having valid documents for entering the country but without such for the transport means of para 1 shall be admitted to enter the country.

Art. 21a. (New, SG 42/01) (1) (suppl. – SG 109/07, in force from 01.01.2008; amend. – SG 9/11)

The Minister of Interior, the Minister of Foreign Affairs, the Chairman of State Agency "National Security" or officials authorised by them can periodically include foreigners in the informational massif for the unwelcome in the country foreigners in the presence of the grounds under Art. 10 , Para 1.

(2) (suppl. – SG 109/07, in force from 01.01.2008) The conditions and the order of maintaining and updating the informational massif under para 1 shall be determined by the Minister of Interior, by the Chairman of State Agency "National Security" and by the Minister of Foreign Affairs.

#### **Chapter two "a".**

### **GRANTING A STATELESS PERSONS STATUS IN THE REPUBLIC OF BULGARIA (NEW - SG 97/16)**

#### **Chapter two "a".**

### **GRANTING STATUS OF A STATELESS PERSON IN THE REPUBLIC OF BULGARIA (NEW - SG 97/16)**

Art. 21b. (New - SG 97/16) (1) Stateless persons status may be granted to a foreigner who is not recognized as a national by any state in accordance with its legislation.

(2) The procedure for granting stateless persons status shall be determined by this Act and by the regulations for its implementation.

Art. 21c. (New - SG 97/16) (1) Proceedings for granting the stateless persons status shall begin with a written application, submitted personally in the "Migration" Directorate or in the sector/group "Migration" at the Sofia Directorate of the Interior and the Regional Directorates of the Ministry of Interior.

(2) The application of a minor shall be submitted by the minor's parents or guardians. The application shall be submitted by one of the parents only, in case the other parent is deprived of parental rights.

(3) The application of a minor shall be submitted in the presence of the minor's parents or guardians who express consent by placing their signature on the application. Consent may be expressed from only one parent when the other is deprived of parental rights.

(4) In the absence of a parent, guardian or custodian, the application shall be submitted by an order determined by the implementing regulation of the act.

(5) The application of unaccompanied minors and underaged persons may also be submitted by a representative of a non-governmental organization working to protect the rights of vulnerable groups, or by any other person designated as its representative in accordance with an act thereof.

(6) Upon submitting the application, the applicant shall be informed of their rights and obligations in connection with proceedings under this chapter, and of the consequences of non-compliance with their obligations.

(7) During the proceedings, the applicant shall be obliged to cooperate, stating in good faith their position and presenting all evidence relevant to the examination of their application which are available or for which there are grounds for believing they are available to them.

Art. 21d. (New - SG 97/16) (1) After establishing all relevant facts and circumstances, the Director of "Migration" Directorate or a person authorized by him/her shall issue a decision granting or refusing to grant stateless persons status in the Republic of Bulgaria.

(2) The decision under par. 1 shall be taken after conducting an interview with the applicant for stateless persons status, by an order determined by the implementing regulation of the act.

Art. 21e. (New - SG 97/16) (1) The Director of the "Migration" Directorate or an official authorized by them shall issue a decision for refusal when it is established that the applicant:

1. falls within the scope of Art. 1, item 2 of the Convention relating to the Status of Stateless Persons, adopted in New York on September 28, 1954 (ratified by law - SG 11 of 2012) (SG 60 of 2012);

2. has not declared their citizenship in order to obtain the stateless persons status.

(2) Decision on refusal may also be issued when it is established that the applicant:

1. has entered the country or attempted to pass through it not through the established points or using false or forged documents;

2. has resided illegally on the territory of the Republic of Bulgaria at the date of submission of the application;

3. has resided legally and continuously on the territory of the Republic of Bulgaria less than 5 years

Art. 21f. (New - SG 97/16) The Director of the "Migration" Directorate or an official authorized by him/her shall terminate the proceedings when:

1. the applicant dies;

2. the applicant withdraws in writing their application;

3. the applicant fails to appear for an interview and fails to provide evidence to show there are good reasons for this;

4. a formal document establishes that the data, facts or documents, based on which stateless persons status is requested, are false;

5. the applicant does not submit, within the term specified, the required additional data or documents necessary for the procedure for granting stateless persons status, and fails to show valid reasons for it

Art. 21g. (New - SG 97/16) The decision to refuse to grant stateless persons status and to terminate the proceedings shall be issued and subject to appeal under the terms and provisions of the Administrative Procedure Code.

Art. 21h. (New - SG 97/16) Proceedings on granting stateless person status shall be stopped when it is established that the applicant has submitted an application for international protection as well.

(2) Proceedings shall be stopped until the final ruling on the application for international protection with an effective decision, unless it is possible to determine statelessness without having to consult the authorities in the country of origin or in the habitual residence.

(3) In case of a final decision for refusal, withdrawal or suspension of refugee or humanitarian status or for termination of international protection procedure, the proceedings for granting stateless person status may be resumed after the submission of a written application for it by the applicant.

Art. 21i. (New - SG 97/16) (1) A person with granted stateless persons status in the Republic of Bulgaria and issued a permanent or a long-term residence permit in the Republic of Bulgaria shall be issued an identity document "certificate for traveling abroad of a stateless person" with a validity of not less than three months and not more than two years.

(2) In the document under par. 1 shall be noted that it has been issued as per the requirements of the Convention on the Status of Stateless Persons, adopted in New York on September 28, 1954. On the title page shall be shown the denotation "Convention of 28 September 1954".

(3) The document under para. 1 may be issued to a person with granted stateless persons status from another country if there is a residence permit issued to a foreigner as a permanent or long-term resident in the Republic of Bulgaria and for compelling reasons proven by an order stipulated by the regulations implementing the act, they can not renew their travel document in the state which has originally issued it.

Art. 21j. (New - SG 97/16) (1) The stateless persons status in the Republic of Bulgaria may be withdrawn by the Director of the "Migration" Directorate or by an official authorized by them when it is established by documentary evidence that the data, based on which the status had been granted, are false.

(2) The decision, with which the stateless person status is withdrawn, shall be issued and subject to appeal under the terms and provisions of the Administrative Procedure Code.

**Chapter three.**  
**STAY OF FOREIGNERS IN THE REPUBLIC OF BULGARIA**

Art. 22. (1) The stay of foreigners in the Republic of Bulgaria shall be admissible on the grounds of:

1. (amend. – SG 29/07, amend. and suppl. - SG 97/16) a visa pursuant to art. 9a, para 2, items 3 and 4;
  2. (amend. and suppl. - SG 97/16) international agreements or European Union agreements with third countries on visa free regime;
  3. (new - SG 97/16) acts of European Union law, in force and applied by the Republic of Bulgaria
  4. (previous item 3 - SG 97/16) a permit by the services for administrative control of foreigners.
- (2) (amend. – SG 29/07; revoked – SG 23/13) (3) (revoked – SG 23/13)
- (4) (new – SG 109/07, in force from 01.01.2008, amend. - SG 97/16) The permission under Para 1, item 4 shall be issued upon written opinion of State Agency for National Security.

Art. 23. (amend. – SG 9/11) (1) Foreigners shall reside in the Republic of Bulgaria:

1. (amend. and suppl. – SG 23/13, amend. - SG 97/16) on a short-term basis - up to 90 days within any 180-day period from the date of entry into the country;
  2. (suppl. - SG 97/17) for an extended period - with permitted term up to one year, except in the cases provided for in this Act;
  3. on a long-term basis - with permitted initial time period of 5 years and option for renewal of it after a submitted application;
  4. permanently - with permitted unlimited term.
- (2) (suppl. – SG 23/13, in force from 01.05.2013) The terms referred to in Para 1, items 1, 2 and 4 shall not apply to the foreigners who have been granted protection under the Asylum and Refugees Act.
- (3) (new – SG 23/13, revoked - SG 97/16)
- (4) (new – SG 23/13, revoked - SG 97/16)

Art. 23a. (New - SG 97/16) (1) Upon registration under conditions and procedures specified by law or act of the Council of Ministers, the Ministry of Foreign Affairs shall issue to foreigners who are members of staff of diplomatic missions or consular representations or of representations of international organizations accredited in the Republic of Bulgaria, and members of their families the following:

1. a card as a member of the diplomatic staff of the diplomatic mission or of an international organization accredited in the Republic of Bulgaria ("diplomatic card");
2. a card of a consular official in the consular representation ("consular card");
3. a card of a member of the administrative and technical staff of a diplomatic mission or a consular representation or of a representation of an international organization accredited in the Republic of Bulgaria ("administrative and technical staff card");
4. a card of a member of the service staff of a diplomatic mission or a consular representation or of the representation of an international organization accredited in the Republic of Bulgaria ("service card").

(2) Upon registration, the Ministry of Foreign Affairs shall issue cards to family members of persons under par. 1 of the same type as those of the holders.

(3) Family members of the persons under par. 1, unless otherwise provided for in bilateral or multilateral international agreement, shall be the persons who live with the holder in the same household and are:

1. the wife/husband or registered partner, with whom the person is cohabiting;
2. descendants, and also only to the person under item 1, who have not reached the age of 21, are not married and do not engage in any gainful activity;

3. descendants at the age from 21 to 26, and also only to the person under item 1, who are not married and are enrolled for a full-time training in a Bulgarian higher education establishment;

4. descendants over the age of 21, including only to the person under item 1, who do not have their own income, objectively are unable to provide their own maintenance and serious health reasons require that the holder take personal care of them;

5. ascending to the holder or to the person under item 1 who are financially dependent and serious health reasons require that the holder take personal care of them - under terms of reciprocity.

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

(5) The Ministry of Foreign Affairs shall keep an electronic record of registrations and issued cards which shall contain:

1. the names, position and nationality of the person, to whom the document is issued;

2. the type and number of the document issued;

3. date of issue and expiry date.

(6) The cards under par. 1 shall be issued valid for the period of accreditation, but not more than 5 years, and shall certify the granted privileges and immunities under international law and the right to multiple enter and residence in the country, unless otherwise provided for in any international agreement which is in force for the Republic of Bulgaria or not pursuant from the terms of reciprocity.

(7) The cards under par. 1 shall be returned at the expiry of the accreditation, in the event of death or declaring a person as "persona non grata".

Art. 24. (1) (amend. – SG 29/07) A long-term residence permit may be granted to foreigners who have a visa under Art. 15, para 1 and:

1. (Amend., SG 42/01; amend., SG 112/01, suppl. - SG 33/16, in force from 21.05.2016) are willing to work under legal terms of employment upon permit by the bodies of the Ministry of Labour and Social Policy under the Labor Migration And Labor Mobility Act;

2. (Amend., SG 42/01; suppl., SG 37/03; suppl. – SG 9/11, amend. - SG 97/16) carry out commercial activity in the country according to the legally established order, and as a result of this activity at least 10 full-time positions have been opened for Bulgarian citizens, maintained for the term of stay, unless agreed otherwise by an international agreement, ratified, promulgated and enacted in the Republic of Bulgaria, where the requirement shall apply to each partner separately; the same conditions shall apply to each manager individually;

3. (revoked – SG 9/11)

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

5. (amend. – SG 29/07; amend. – SG 23/13) have reason to be allowed permanent residence;

6. (Amend., SG 42/01, amend. - SG 97/16) are representatives of foreign commercial companies registered at the Bulgarian commercial - industrial chamber following an inspection and assessment of the provided documents on activity and tax regularity of the company, and on the planned activities of the representation;

7. (suppl., SG 37/03, amend. - SG 97/16) are financially ensured parents of a Bulgarian citizen or a foreigner who holds a permanent residence permit, when the documents certifying the familial ties coming from abroad have been recognized or admitted to implement and have been registered under the Bulgarian legislation

8. (amend., SG 70/04, amend. - SG 97/16) have been admitted to a medical establishment for continuous treatment, have sufficient financial resources for treatment and maintenance, so as not to become a burden on social insurance systems, and their health condition requires them to be sustainably cared for by qualified medical personnel;

9. are correspondents of foreign mass media and have accreditation in the Republic of Bulgaria;

10. (amend. – SG 23/13) are entitled to pension pursuant to the legislation of the Republic of Bulgaria, of their home country or another country and have sufficient means of support for their stay in the country;
11. (amend., SG 37/04; amend. – SG 9/11)
12. (revoked - SG 42/01)
13. (amend., SG 42/01; suppl. – SG 23/13, amend. - SG 97/16) are members of the family of a foreigner who has received extended or permanent residence permit - when the documents certifying the familial ties and the right to support have been recognized or allowed for execution under the Bulgarian legislation;
14. (New, SG 42/01; amend., SG 37/03, amend., SG 63/05 – in force from 01.01.06; amend. – SG 29/07; amend. – SG 23/13, amend. - SG 97/16) are other members of the household of a foreigner under Art. 23a, para. 3, or the foreigner's private domestic service staff;
15. (New, SG 42/01; amend., SG 112/01, suppl. - SG 33/16, in force from 21.05.2016) wish to carry out free-lance practice upon permit by the bodies of the Ministry of Labour and Social Policy in compliance with art. 24a and pursuant to the Labor Migration And Labor Mobility Act;
16. (New, SG 112/01; suppl. – SG 109/07, in force from 01.01.2008, suppl. - SG 33/16, in force from 21.05.2016) wish to carry out non-profit activity upon permit of the Ministry of Justice under conditions and by an order determined by an ordinance of the Minister of Justice, in coordination with the Minister of Interior and with the Chairman of State Agency "National Security", or have received a positive opinion from the "Religions" Directorate of the Council of Ministers pursuant to the Religions Act - in their capacity as foreign religious servants, invited by the central management of the registered religions;
17. (new – SG 29/07, suppl. - SG 24/18, in force from 23.05.2018) have acquired statute of special protection as per Art. 25 of the Anti- Human Trafficking Act - under the order of Art. 24m;
18. (new – SG 29/07; amend. – SG 9/11, amend. - SG 97/16) are family members of a Bulgarian citizen and the documents originating from abroad, confirming familial relationships and right to support, have been recognized or allowed for execution under Bulgarian legislation;
19. (new – SG 16/13) have deposited no less than BGN 600 000 per each foreigner for acquiring ownership of real estate within the territory of the Republic of Bulgaria or the foreigner owns more than 50 % of the share capital of a Bulgarian trade company, has deposited the same amount in the capital of the company and as a result the company has acquired ownership of real estate in the country of this value; by the date of submission of the application for long-term residence the foreigner or the legal entity must have paid the full amount in the account of a Bulgarian licensed credit institution, and where the real properties are acquired with borrowed funds, the outstanding loans should not exceed 25 percent;
20. (new – SG 16/13; amend. - SG 14/15) have made an investment in economically disadvantaged regions within the meaning of the Investment Promotion Act by depositing in the capital of a Bulgarian company not less than 250,000, provided that the foreigner is a partner or shareholder with registered shares and has no less than 50 per cent of the share capital as a result of the investment acquired new tangible and intangible assets amounting to not less than BGN 250,000 and at least 5 new positions are opened for Bulgarian citizens for the residence period and this is verified by the Ministry of Economy.
21. (new - SG 24/18, in force from 23.05.2018) wish to carry out volunteer work within the European Voluntary Service within the meaning of Art. 40, Para. 2 of the Act on Youth - by the order of Art. 24n.
- (2) (amend. – SG 9/11; suppl. – SG 23/13, amend. - SG 97/16) For obtaining extended residence permit, persons who have secured accommodation, obligatory health insurance and social insurance, sufficient funds for maintenance, without need to involve the social support system, in an amount not less than the minimal month salary, minimal scholarship or the minimal pension pursuant to the legislation of the Republic of Bulgaria for the time-term of stay. When submitting an application for ainitial residence permit, shall also be presented the documents, justifying the application for a visa issuance under Art. 15, para. 1, and foreigners over the age of 18, except for the persons who have the stateless persons status in the

Republic of Bulgaria, shall also present documents of conviction or criminal or police registration, issued under the laws of the state of nationality, of the country of origin or of the habitual residence.

(3) (amend. – SG 9/11, amend. - SG 97/16) Application for issuance of extended residence permit shall be considered within 14 days of its filing under terms and conditions set out in the Regulation of Implementation of this Act.

(4) (new – SG 21/12, amend. - SG 97/16, suppl. - SG 97/17) When submitting an application for a permit for continuous stay, the persons under par. 1, item 17, the persons born in the Republic of Bulgaria descendants of persons under Art. 23a, para. 1 and of foreigners holding a permit for continuous, long-term or permanent residence, as well as a family member of a Bulgarian citizen who has exercised his/her right of free movement and holds a valid residence document as a family member of a citizen of the European Union, issued by another Member State, shall be exempt from the obligations under par. 2, as well as to own a visa under Art. 15, para. 1.

(5) (new – SG 23/13, amend. - SG 97/16) Upon termination of marriage by divorce or death, the services for administrative control of foreigners may issue a single individual permit for continuous stay of a foreigner who has received a permit for continuous or long-term residence under par. 1, items 13 and 18 when the family has resided continuously and lawfully on the territory of the Republic of Bulgaria for at least two years.

(6) (new – SG 23/13) An individual extended residence permit under the terms of para 5 may also be issued to members of the family of a Bulgarian national under Art. 2, para 6, item 1, 2 and 3.

(7) (new – SG 23/13, amend. - SG 97/16) A single individual extended residence permit may be issued under exceptional circumstances to members of the family of a foreigner residing continuously, for a long term or permanently in the country and to members of the family of a Bulgarian national under Art. 2, para 6, item 1, 2 and 3 under an order determined with the Regulation for implementation of this act.

(8) (New - SG 97/16) The accepted application for a residence permit issuance shall not create an obligation to issue a permit for continuous stay. Issuance of a permit for continuous stay shall be refused in cases where the reason which is specified in the application is different from the reason for issuing a long-stay visa of Art. 15, para. 1.

(9) (New - SG 97/17) In case of death of the Bulgarian citizen, the right of long-term residence of the members of his / her family authorized under Art. 24m shall not be affected if they have resided in the Republic of Bulgaria for at least one year before his / her death as family members.

(10) (New - SG 97/17) Upon the death of the Bulgarian citizen, the right to long-term residence, allowed under Art. 24l to a family member exercising custody over children, and to his/her children, shall not be affected, provided that the children are enrolled at school from the pre-school and schooling system or at a higher school until the completion of their education or when they provide evidence of subsequent stages of their education.

(11) (New - SG 97/17) Any member of the family of a Bulgarian citizen with a right granted under Art. 24l shall keep the right to long-term residence upon termination of the marriage, if they meet the conditions to be a worker or a self-employed person in the Republic of Bulgaria, and to have health insurance and the necessary financial means to cover the costs of their stay and those of their family members, without becoming a burden to the social insurance system, and also with respect to them, one of the following circumstances is present:

1. the marriage has lasted for at least three years, of which one year in the Republic of Bulgaria;
2. exercises custody by virtue of a court decision;
3. has suffered from domestic violence before the termination of the marriage, as well as in other cases where this is justified in view of particularly difficult circumstances which occurred not under the will of the foreigner, which he could not have foreseen or prevented;
4. has the right to visit an underaged child by virtue of a court decision, provided that the court decision provides for the visits to be carried out in the Republic of Bulgaria.

(12) (New - SG 97/17) The persons under Para. 9-11 must prove that they are workers or self-



employed persons, or that they have sufficient resources for themselves and for their family members, so that they do not become a burden on the social insurance system during their stay, and that they have full health insurance.

Art. 24a. (New, SG 42/01; amend., SG 112/01, amend. - SG 33/16, in force from 21.05.2016) (1) Permission for extended stay or a long-stay visa shall be given to foreigners who want to carry out free-lance activity and who meet the requirements to obtain permission to conduct freelance activity pursuant to the Labour migration and labour mobility Act.

(2) For the issuance of documents under par. 1 the following documents shall be submitted to the diplomatic and consular missions, respectively to the services for administrative control of foreigners:

1. application form;
2. permission to carry out free-lance activity, issued by the bodies of the Ministry of Labour and Social Policy.

(3) Long-stay visa for the purpose of carrying out free-lance activity shall not be issued to a foreigner in the cases under Art. 24, para. 1, items 1-13 and items 16-20.

Art. 24b. (new – SG 63/07, amend. - SG 24/18, in force from 23.05.2018) (1) Permits for long-term residence may also be granted to foreigners holding a visa under Art. 15, Para. 1 and are researchers with concluded contracts for development of a research project with a research organization based in the Republic of Bulgaria, included in the register under Art. 7b, Para. 1, item 1 of the Act for the Promotion of Scientific Research.

(2) The permit under Para. 1 shall be issued for a period not shorter than one year. If the contract validity is shorter, the permit shall be issued for the duration of the contract, extended by 9 months, and can be renewed, if there are grounds for its re-issuance, under the Labour Migration and Labour Mobility Act.

(3) The permit under Para. 1 shall be issued in accordance with the requirements of Council Regulation (EC) №1030/2002 of 13 June 2002 on the uniform format of residence permits for third-country nationals, whereby in the field marked "type of permit" is to be indicated "researcher".

(4) The permit under Para. 1 shall be issued in accordance with the procedure established by the Regulations for the application of the act.

(5) The Migration Directorate, sector group "Migration" at the Metropolitan Directorate of Internal Affairs, or the respective District Directorate of the Ministry of the Interior, shall notify the applicant in writing about the permit under Para. 1 not later than 14 days from the date of its filing.

(6) Long-term residence permit may also be granted to the members of the family of a researcher on the basis of Art. 24, Para. 1, item 13 for the duration of the researcher's residence permit, if they meet the conditions under Art. 24, Para. 2.

(7) Any foreigner who has been admitted as a researcher in another Member State of the European Union may carry out part of his scientific research in the Republic of Bulgaria for up to 180 days within each 360-day period on the basis of a contract concluded with a research organization in the first Member State under terms and conditions laid down in the Regulations for the Implementation of the Act.

(8) In the cases under Para. 7, the host research organization in the first Member State shall notify the competent authorities of the first Member State and of the Republic of Bulgaria of the planned carrying out of a part of the scientific study on the territory of the Republic of Bulgaria within the period of validity of the permit under Para. 1, under conditions and by an order determined by the Regulation for implementation of the act.

(9) Permit under Para. 1 may also be obtained by any foreigner who holds a valid residence permit issued by the first Member State, and who intends to carry out part of his scientific research at a research organization on the territory of the Republic of Bulgaria for a period longer than 180 days, but not more than two years. The Republic of Bulgaria shall notify the first Member State for its decision.

(10) In the cases under Para. 9, the permit shall be issued in accordance with the requirements of Council Regulation (EC) № 1030/2002 of 13 June 2002 on a uniform format for residence permits for third-country nationals, the field "type of permit" being marked "researcher - mobility" with a term of validity of up to two years.

(11) No simultaneous notification shall be allowed under Para. 8 and submitting an application for issuing a permit under Para. 9. The application may be filed no later than 30 days before the expiry of the period specified in the notification.

(12) Permit under Para. 6 may also receive members of the family of a researcher under Para. 7 and 9 who hold a valid residence permit issued by the first Member State for the period until the expiry of the researcher's residence permit on the territory of the Republic of Bulgaria.

(13) Permits for long-term residence for up to 9 months may also be granted to foreigners under Art. 36, Para. 3 of the Labour Migration and Labour Mobility Act. The permit shall be issued in accordance with the procedure established by the Regulations for the application of the act.

(14) If the researcher or the members of his family do not meet or have ceased to qualify for a residence permit under Para. 6, 7 and 9, the "Migration" Directorate of the Ministry of the Interior shall notify the first Member State with a view to their readmission to its territory without delay and formalities. This shall also apply for cases when the validity of the permit issued by the first Member State expires, or it has been withdrawn during the stay in the Republic of Bulgaria.

Art. 24c. (new – SG 9/11, amend. - SG 24/18, in force from 23.05.2018) (1) Permits for long stays of up to one year may also be granted to foreigners holding a visa under Art. 15, Para. 1 and being accepted as:

1. students in full-time instruction at a higher education institution;
2. secondary education students in an exchange program;
3. interns.

(2) Permit under Para. 1 may also be granted to foreigners who are to carry out part of their training on the territory of the Republic of Bulgaria, hold a valid residence permit issued by another Member State, and are covered by a European Union program, or a multilateral program providing for training in more than one Member State, or by an agreement between two or more higher education institutions, of which at least one is Bulgarian, have the right to enter and stay for the purpose of pursuing part of their studies at a higher education institution from one or more other Member States for a period of up to one year.

(3) Any foreigner holding a visa under Art. 15, Para. 1 and not covered by a program or an agreement under Para. 2 shall submit an application to be granted a permit under Para. 1 for the purpose of conducting part of his education in a higher education institution on the territory of the Republic of Bulgaria.

(4) In case of internship being held under Art. 38a of the Labour Migration and Labour Mobility Act, the permit under Para. 1 shall be issued for the duration of the internship, but for not more than one year.

(5) The permit under Para. 2 shall be issued for the duration of the training, but not more than two years.

(6) Permits for long-term residence for a period of up to 9 months may also be granted to foreigners under Art. 38, Para. 2 of the Labour Migration and Labour Mobility Act.

(7) In the cases under Para. 1, 2 and 3, the period of validity of the passport or the substitute document of the foreigner shall cover at least the requested period of residence.

(8) The permits under Para. 1 and 2 shall be issued in accordance with the procedure laid down in the Implementing Rules of the Act and in accordance with the requirements of Council Regulation (EC) № 1030/2002 of 13 June 2002 on a uniform format for residence permits for third-country nationals, the field "permission type" being marked "student".

Art. 24d. (new – SG 9/11) (1) Statute of long-term stay shall be granted to a foreigner, who has stayed legally and without interruption on the territory of the Republic of Bulgaria within 5 years before submission of application for permission of a long-term stay. After have been obtained, the long-term stay shall be permanent, unless grounds for its revocation as per Art. 40 appear.

(2) (amend. – SG 23/13, amend. - SG 97/16) Residing periods of the persons envisaged in Art. 23a and of the persons, who reside exclusively on a ground of temporary nature, such as persons working on programmes au pair, season workers, cross-border services providers; workers and servants sent to a business trip by a provider of services for the purposes of cross border services provision; or where their permission to stay is formally limited, shall not be count in calculation of time period envisaged in Para 1.

(3) In the calculation of period envisaged in Para 1 shall be counted only one half of the time of stay of the foreigners as students, pupils and trainees as per Art. 24c.

(4) (new – SG 23/13, in force from 01.05.2013) Long-term residence status may be granted to a foreigner who enjoys international protection.

(5) (new – SG 23/13, in force from 01.05.2013) As regards to foreigners with international protection, when calculating the residence period under para 1, half of the term for residence shall also be included, considered from the date of submission of an international protection request till the date of issue of a Bulgarian identity document according to the Bulgarian Personal Documents Act, or the overall duration of residence within the dates mentioned, where it is over 18 months.

(6) (new – SG 23/13, in force from 01.05.2013) Holding a permit to reside in another Member State on the ground of provided protection other than international protection or in case of pending proceedings for issue of such a permit shall not serve as a ground for granting a long-term residence status.

(7) (new – SG 23/13, in force from 01.05.2013) Pending proceedings for providing international protection shall not serve as a ground for granting a long-term residence status.

(8) (prev. text of para 4 – SG 23/13, in force from 01.05.2013) Periods of absence from the territory of the Republic of Bulgaria shall not interrupt the time period envisaged in Para 1 and shall be counted in its calculations, if they are less than 6 consequent months and do not exceed totally 10 months for the 5-years period.

(9) (prev. text of para 5 – SG 23/13, in force from 01.05.2013) For granting of a long-term stay statute, the foreigner shall present evidence that he/she dispose for himself and members of his family sufficient funds for maintenance, without need to involve the system of social support, in amount not less than the minimal salary or minimal pension, as well as that he holds obligatory health insurance or insurance for the period of stay in accordance with the legislation of the Republic of Bulgaria.

(10) (prev. text of para 6 – SG 23/13, in force from 01.05.2013) The competent body of the Ministry of Interior shall take decision on the application for granting of a long-term stay statute within three months of its deposit. In event of legal and factual complexity and necessity to present additional documents this time period may be prolonged with two months.

(11) (prev. text of para 7 – SG 23/13, in force from 01.05.2013) When statute of long-term stay is granted, information on the rights and obligations arising from this statute shall be provided to the foreigner.

(12) (prev. text of para 8 – SG 23/13, in force from 01.05.2013) Procedure of consideration of the application shall defined by the Regulations of Implementation of this Act.

Art. 24e. (1) To a foreigner, who is granted long-stay term statute, residence permit to a long-term staying person in the European Union shall be issued. This permit shall be with term of validity of 5 years, and at its elapse shall be renewed after application is submitted. Elapse of the time period of the residence permit to stay to long-term residents in the European Union does not present a ground to revoke or lapse of this statute.

(2) Residence permit to a long-term staying in the European Union foreigner shall be issued on the base of a submitted in person application. 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 field 'Type of permit' "long-term residence in the EU" shall be marked.

(3) (new – SG 23/13, in force from 01.05.2013) Upon issue of a residence permit to a foreigner residing on a long-term basis in the European Union, who enjoys international protection, in the "Remark" field shall be stated the international protection provided by the Republic of Bulgaria and the date on which it has been provided.

Art. 24f. (1) Family members of the long-term residing foreigner may be granted extended residence permit with a period of validity of one year and with an option for renewal, without exceeding the permitted residence period for the title-holder.

(2) For the issuance of residence permit for the family members requirements of Art. 24, Para 2 shall be fulfilled.

(3) (With regard to Sentence Two – in force from 01.06.2011) After a five year stay on the territory of the Republic of Bulgaria and under the condition that the spouse and the children who have reached the maturity age of a residing in the country foreigner were not granted residence permit due to reasons different than reunion of the family, are entitled to be granted an independent long-term residence permit from that one of the title-holder, if grounds envisaged in Art. 24d exist. In the calculation of the period of residing of the members of a family of a holder of blue card of the European Union, residing period in different Member States may be cumulated as per Art. 33m, Para 1.

(4) (amend. - SG 79/15, in force from 01.08.2016) In event of termination of the matrimony, children of the long-term residing and of the other parent shall have the right to be granted with an independent extended residence permit, if they meet the requirements under Art. 24, Para 2 and when the children enrolled a school within the system of the pre-school and school education or a higher school till the elapse of the educational year or the educational course.

(5) Procedure of issuance of the permit envisaged in Para 1-4 shall be defined by the Regulations of Implementation of this Act.

Art. 24g. (1) In the cases of Art. 40, Para 1, items 6, 9, and 11 right of extended residence in the Republic of Bulgaria may be restored under a simplified procedure, laid down by the Regulations of Implementation of this Act.

(2) Procedure, envisaged in Para 1 shall be applicable for the persons under Art. 40, Para 1, item 9, who have resided in the second Member State with educational purpose.

Art. 24h. (new – SG 21/12) (1) Extended residence permit may also be granted to illegally residing foreigners who participate in a pending administrative or criminal proceedings initiated under Art. 227, para 3 and 5 of the Penal Code – till the said proceedings are completed.

(2) The time limit of the residence permitted under para 1 shall not be accounted in calculation of the time limit for receipt of permanent or extended residence permit.

Art. 24i. (new – SG 70/13, in force from 24.12.2013) (1) (amend. - SG 33/16, in force from 21.05.2016) Extended residence and work permit of the type "single residence and work permit" may be granted to foreign citizens who meet the requirements for access to the labour market under the Labour migration and labour mobility Act and who have a visa under Art. 15, para 1 or a residence permit issued on other grounds in compliance with Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country national's.

(2) Residence and work permits of the type "single residence and work permit" shall be granted for a period of one year on the grounds of a decision issued by the authorities of the Ministry of Labour and

Social Policy and shall be renewed where grounds for it to be reissued are present. If the validity term of the relevant employment contract is shorter than one year, the permit shall be granted coterminus with the validity term of the contract.

(3) Permits referred to in para 1 shall be issued pursuant to a single application procedure in compliance with the Regulation on the Implementation of this Act.

(4) Holders of a single permit shall be granted a residence permit 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 "single residence and work permit" shall be entered in the "type of permit" section.

Art. 24j. (New - SG 33/16, in force from 21.05.2016) (1) Permit for seasonal worker with right for extended residence may be obtained by foreigners who meet the requirements for access to the labor market pursuant to the Labor migration and labor mobility Act and who own a visa under Art. 15, para. 1.

(2) The permit under par. 1 shall be issued after decision of the authorities of the Ministry of Labour and Social Policy for the duration of the labour contract, but not less than 90 days and not more than 9 months. The permit can be extended once within this period of time upon a decision by the authorities of the Ministry of Labour and Social Policy.

(3) The permit under par. 1 shall be issued upon application of a single application procedure and in order, specified in the regulation for implementation of the act.

(4) The permit under par. 1 shall be issued under an accelerated procedure for those candidates who have at least once worked in the Republic of Bulgaria as seasonal workers over the last five years.

(5) (Suppl. - SG 24/18, in force from 23.05.2018) The permit holder under par. 2 shall be issued with a residence permit of a seasonal worker in accordance with Regulation (EC) № 1030/2002 of the Council of 13 June 2002 on a uniform format for residence permits for third countries' citizens where in the field "type of permit" shall be noted "seasonal worker". Upon change of employer under the Labour Migration and Labour Mobility Act, a new permit shall be issued under Para. 1.

(6) The permit holder under par. 1 is entitled to be informed in writing of the ensuing rights with it.

(7) Where the permit under par. 1 expires and while a procedure for extension or renewal is underway, the seasonal worker shall be entitled to reside in the territory of the Republic of Bulgaria until a decision on the application is reached, provided that the latter was submitted within the period of validity of the permit under par. 1 and the term under par. 2 has not expired.

Art. 24k. (New - SG 33/16, in force from 21.05.2016) (1) (Suppl. - SG 97/17) To carry out seasonal work for up to 90 days without interruption, foreigners must have a valid visa for short-term residence for the purpose of seasonal work, where one is required, and the employment must be registered by the authorities of the Ministry of Labour and social policy under the Labor migration and labor mobility Act and the regulation on its implementation.

(2) The registration of employment under par. 1 shall be done even if foreigners are exempt from the visa requirement in accordance with Annex II of Regulation (EC) № 539/2001 of the Council of 15 March 2001 on determining the third countries, whose nationals must be in possession of visas when crossing the external borders of the Member States, as well as those countries, whose nationals are exempt from that requirement.

Art. 24l. (New - SG 97/17) (1) Any family member of a Bulgarian citizen, having exercised his right of free movement and holding a valid residence document as a family member of a citizen of the European Union, issued by another Member State of the European Union, shall apply to the Migration Directorate - Ministry of the Interior, or to the Regional Directorates of the Ministry of the Interior, for the issuance of a residence card of a family member of a European Union citizen certifying his right of long-

term stay for which he is immediately issued a temporary certificate.

(2) The application under Para. 1 shall be filed within three months from the person's entry into the Republic of Bulgaria, accompanied by:

1. a valid passport;
2. documents on the existence of kinship relations;
3. document for paid state fee;
4. documents on the lawful residence in the other Member State;
5. medical documents concerning the existence of serious health reasons, which impose the personal care of the Bulgarian citizen, where applicable.

(3) The residence card of a family member of a citizen of the European Union certifying his right of long-term residence shall be issued within three months of the submission of the application, and shall be valid for 5 years.

(4) In the absence of any of the documents under Para. 2, the person shall be given 14 days from the notification to present it, until the expiration of which the term under Para. 3 shall stop running. If the requested documents are not submitted within the stipulated time limit, the administrative body shall take action for terminating the proceedings under the Administrative Procedure Code.

Art. 24m. (New - SG 24/18, in force from 23.05.2018) (1) In the cases under Art. 24, Para. 1, item 17 the permit for long-term residence shall be issued on the basis of the act under Art. 27 of the Act on Combating Human Trafficking.

(2) For the duration of their stay in the country, foreigners who have obtained the permits under Para. 1 shall enjoy the rights of the persons with permanent residence permit, with the exception of the right under Art. 35, Para. 2.

(3) Permits under Para. 1 shall not be issued to persons who do not have identity documents and refuse assistance to find their identity.

Art. 24n. (New - SG 24/18, in force from 23.05.2018) (1) In the cases under Art. 24, Para. 1, item 21, the long-term residence permit shall be issued in accordance with the requirements of Council Regulation (EC) № 1030/2002 of 13 June 2002 on a uniform format for residence permits for third-country nationals, the field "type of permit" being marked "volunteer".

(2) The term of validity of the permit under Para. 1 shall be in compliance with the agreement with the host organization, but not more than one year.

(3) The Migration Directorate, sector/group "Migration" at the Metropolitan Directorate of Interior, or the respective regional directorate of the Ministry of the Interior, shall notify the applicant in writing about the permit under Para. 1 not later than 14 days from the date of its filing.

(4) The permit under Para. 1 shall be issued in accordance with the procedure established by the Regulations for the application of the act.

(5) In the cases under Para. 1, the period of validity of the passport or the foreigner's substitute document must cover at least the requested period of residence.

Art. 25. (1) (prev. text of Art. 25 - SG 36/09) Permanent residence permit may be granted to foreigners if:

1. (amend. – SG 9/11) they are of Bulgarian origin;
2. (amend. – SG 29/07; suppl. – SG 9/11; suppl. – SG 108/13) five years elapsed from concluding civil matrimony with a permanently residing in the country foreigner and have resided legally and uninterruptedly for a period of 5 years on the territory of the country, provided that in the cases of marriage with a foreign national who is permitted permanent residence under items 6, 7 or 8, the requirements for

residence in the country shall not apply.

3. (amend. – SG 29/07) small or below age children of a foreigner with permanent stay in the country and who have not been married;

4. (Amend., SG 42/01; amend. – SG 23/13) parents of Bulgarian citizens when they provide the due legally established support and have resided legally and continuously for a period of three years within the territory of the country;

5. (amend. – SG 29/07; revoked – SG 9/11; new – SG 23/13; amend. – SG 70/13) who have resided legally and continuously in the territory of the Republic of Bulgaria for the last 5 years prior to submission of the application for permanent residence and who have not been abroad for more than 30 months during this period, provided that in the cases referred to in Art. 24c only half of the periods of residence shall be taken into account;

6. (amend., SG 11/05; amend. - SG 36/09) who have invested in the country over BGN 1 000 000 or increased their investment by such an amount through the acquisition of:

a) shares of Bulgarian companies, traded on a Bulgarian regulated market;

b) debentures and treasury bonds and their derivatives, issued by the state or by the municipalities with a maturity date after at least 6 months;

c) ownership in a separate part of the property of a Bulgarian company with at least 50 percent state or municipal share in the capital under the Privatisation and Post-privatisation Control Act;

d) holdings or shares, owned by the state or the municipalities in a Bulgarian company under the Privatisation and Post-privatisation Control Act;

e) Bulgarian intellectual property - copyright or related rights subject-matter, patent protected inventions, utility models, trademarks, service marks or industrial design;

f) rights under concession contracts on the territory of the Republic of Bulgaria;

7. (new - SG 36/09; revoked – SG 16/13; new – SG 108/13) who have invested the amount under item 6 in a licensed credit institution in Bulgaria under a trust management agreement for a period of not less than 5 years, provided that for this time period the deposit is not used to secure loans from other credit institutions in Bulgaria.

8. (new - SG 36/09) who have invested the amount of at least BGN 6 000 000 in the capital of a Bulgarian company, which shares are not traded on a regulated market;

9. (New, SG 42/01; prev. text of Item 07 - SG 36/09) who are not persons of Bulgarian origin, born on the territory of the Republic of Bulgaria, lost their Bulgarian citizenship according to emigration agreements or by their own wish and they wish to settle permanently on the territory of the country.

10. (new, SG 37/03; prev. text of Item 08 - SG 36/09) who, by December 27, have entered, stay, or were born on the territory of the Republic of Bulgaria, and whose parent has married a Bulgarian citizen;

11. (new – SG 29/07; prev. text of Item 09 - SG 36/09) members of the family of the Bulgarian citizen, if they have stayed continuously in the territory of the Republic of Bulgaria during the previous five years.

12. (new – SG 9/11) who, up to 27 December 1998 entered, reside and have not left the territory of the Republic of Bulgaria or are born on the territory of the Republic of Bulgaria and are not recognized as citizens of the former soviet republics; for this category of persons the requirement of Art. 15, Para shall not be applied;

13. (new – SG 9/11; suppl. – SG 16/13; amend. - SG 14/15) who perform and activities certified under the Investment Promotion Act, certified by the Ministry of Economy pursuant to Art. 25c;

14. (new – SG 43/11, in force 15.06.2011) minors and juveniles, born and abandoned by a parent/parents – foreign citizen(s), on the territory of the Republic of Bulgaria, who have been accommodated at an institution or at other kind of alternative social services of residential type as a protective measure;

15. (new – SG 43/11, in force from 15.06.2011) minors and juveniles abandoned by one/both parent(s) - foreign national(s) in the territory of the Republic of Bulgaria, accommodated at an institution or at other kind of alternative social services of residential type as a protective measure.

16. (new – SG 16/13; amend. - SG 14/15) have made an investment in the state by depositing in the share capital of a Bulgarian trade company no less than BGN 500 000, where the foreigner is a partner or shareholder with registered shares and owns more than 50 % of the share capital of the company and as a result of the investment have been acquired new tangible and intangible assets amounting to not less than BGN 500 000 and at least 10 new positions are opened for Bulgarian citizens for the residence period and this is verified by the Ministry of Economy.

(2) (new - SG 36/09; amend. – SG 9/11; amend. – SG 43/11, in force from 15.06.2011) The order of establishing the circumstances under Para 1 shall be determined in the regulations on the implementation of the Law.

(3) (new – SG 9/11) The competent body of the Ministry of Interior shall take decision on the application for granting permanent residence permit within a 3 months period from its deposit. In event of legal and factual complexity, this term may be prolonged with two months. The procedure for issuance of the permit shall be defined by the Regulations of Implementation of this Act.

(4) (new – SG 16/13; amend. - SG 14/15) In the cases under para 1, items 13 and 16, upon issuance of a certificate by the Ministry of Economy for assessment purposes annual financial statements and reports of the company, certified by an auditor registered under the Independent Financial Audit Act, reports by the National Revenue Agency, municipalities and/or other relevant documents presented by the investor or foreigner, collected ex officio.

(5) (New - SG 33/16, in force from 21.05.2016) Of minors, born in the Republic of Bulgaria and applying to obtain the right to extended and permanent residence, visa under Art. 15, para. 1 shall not be required.

Art. 25a. (New, SG 42/01, suppl. - SG 97/16) Permit for stay in the Republic of Bulgaria, without the presence of the requirements of this Act can be obtained by foreigners who have contributions to the Republic of Bulgaria in the public and economic sphere, in the sphere of the national security, science, technology, culture or sport, or there is state interest at stake.

Art. 25b. (new – SG 52/07; amend. – SG 9/11) Permit for residence in the Republic of Bulgaria, where the requirements of this Act are not present, may also be granted to the family members of foreigner, to whom, according to the Asylum and Refugees Act have been:

1. granted asylum or refugee status;
2. granted humanitarian status;
3. granted temporary protection.

(2) For the members of the family, envisaged in Para 1, shall be issued extended residence permit after the permission to reunion the family, issued under the terms and conditions of the Asylum and Refugees Act. Permits shall be with a validity period of one year with option for its renewal, without exceeding the time period of residence of the title holder.

Art. 25c. (new – SG 16/13) (1) A permanent residence permit on the grounds of Art. 25, para 1, item 13 may be granted to a foreigner who carries out activity related to performance and / or maintenance of an investment with a certificate for Class A, class B or for priority investment project pursuant to Art. 20, para 1, item 1 of the Investment Promotion Act.

(2) At a Bulgarian trade company where a foreigner under para 1 has made an investment with a certificate under Art. 20, para 1, item 1 of the Investment Promotion Act, the said foreigner must be:

1. a partner or shareholder with registered shares holding at least 50 or more percent of the company's registered capital;
2. a representative of the company or a procurator, entered in the commercial register, or
3. a person working under employment contract for implementation of key and / or control



functions in research, production, marketing, or other main activity of the enterprise required in relation to the investment purposes.

(3) In three-years time since the work under the investment project has begun the competent body of the trade company under para 2 shall verify that the minimum threshold for issuing investment certificate class B under the Investment Promotion Act has been reached in terms of investments made and put into operation and / or employment created as average number of employees.

(4) The total number of the persons under para 2 who may be granted a permanent residence permit on the ground of Art. 25, para 1, item 13 in relation to implementation and maintenance of an investment project shall be:

1. up to three persons – till the requirement under para 3 is met;
2. up to 8 persons – after the requirement under para 3 is met, during the maintenance period of the investment and jobs.

(5) The requirements under Art. 13 of the Investment Promotion Act shall apply with respect to Bulgarian trade companies and persons referred to in para 2.

(6) (amend. - SG 14/15) The Ministry of Economy shall issue a certificate that the requirements under paras 2 to 5 are met that will serve the offices for administrative control of foreigners. Certificates shall be issued, provided that the respective Bulgarian trade company under para 2 provides reasons that the foreigner has to reside in the country in relation to the implementation and maintenance of the investment and the company undertakes to immediately notify the Ministry of Economy of possible termination of the relations with the said natural person.

Art. 25d. (New - SG 97/17) (1) A member of the family of a Bulgarian citizen, who has been granted a long-term residence permit under Art. 24l shall have the right to permanent residence, if he has been legally residing continuously for a period of 5 years in the Republic of Bulgaria together with the Bulgarian citizen, or if he has been legally residing continuously for a period of 5 years in the Republic of Bulgaria in the cases under Art. 24, Para. 9, 10 and 11.

(2) For issuance of a residence card of a family member of a citizen of the European Union, certifying his right of permanent residence, the person under Para. 1 shall submit an application to the Migration Directorate - MoI or to the Regional Directorates of the Ministry of Interior two months before the expiry of the term of the long-term residence.

(3) A residence card of a family member of a European Union citizen which certifies his right of permanent residence shall be issued within one month of the submission of the application.

Art. 25e. (New – SG 14/18) (1) The requirements of this Act shall not apply to the residing in Bulgaria servicemen and members of the civilian component of a structure of the North Atlantic Treaty Organization (NATO) located in the Republic of Bulgaria, as well as their dependent persons.

(2) The term of stay under Para. 1 may be longer than one year.

(3) The persons under Para. 1 shall be issued a card under Art. 14, Para. 6 of the Bulgarian Personal Documents Act with term of validity corresponding to the period of service in the NATO structure located on the territory of the Republic of Bulgaria.

Art. 26. (1) (prev. art. 26 - SG 42/01; amend. – SG 9/11; amend. – SG 43/11, in force from 15.06.2011) Refused shall be issuance of residence permit or extension of the term of residence in the cases of Art. 10, Para 1, items 1-4, 6011, 14, 16, 19-23.

(2) (New, SG 42/01; amend. - SG 36/09; amend. – SG 9/11; suppl. – SG 70/13, in force from 24.12.2013, suppl. - SG 33/16, in force from 21.05.2016, suppl. - SG 97/17, suppl. - SG 24/18, in force from 23.05.2018) Refused shall be issuance of residence permit or extension of the term of residence to a foreigner, about whom is found that he/she does not meet requirements of Art. 24; 24a- 24d; 24f; 24h, 24i,

24j, 24l, 24m, 24n, 25; 25b; 33a; 33d and 33j, 33l, 33o, 33r.

(3) (New, SG 42/01; suppl., SG 37/03; amend. – SG 9/11) Refused shall be the issuance of residence permit to a foreigner, who has concluded matrimony with a Bulgarian citizen or a foreigner who has been adopted by a Bulgarian citizen or with a foreigner, who has obtained a residence permit, if data presents, that the matrimony was concluded or adoption was done with the only purpose to circumvent the legislation regulating the foreigners regime in the Republic of Bulgaria and obtaining a residence permit.

(4) (New, SG 42/01; amend. and suppl. – SG 9/11) Assessment to refuse the permit under Para 3 shall be taken by the offices for administrative control of the foreigners on the basis of evidence justifying an objective conclusion that the matrimony has been concluded or the adoption was done solely for the purpose of evading the norms stipulating the regime for foreigners in the Republic of Bulgaria and obtaining a permit for stay. Such evidence can be:

1. (suppl. – SG 9/11) the circumstance that the spouses or the adopted person and the adoptive parent do not live together;

2. lack of contribution to the commitments ensuing from the marriage;

3. the circumstance that the spouses have not known each other before the marriage;

4. (suppl. – SG 9/11) the presentation of contradicting information for the personal data of the other spouse or the adopted person (name, address, nationality, profession), for the circumstances of their acquaintance or other important personal information;

5. (suppl. – SG 9/11) the circumstance that the spouses or the adopted person and the adoptive parent do not speak a language understandable for both of them;

6. the payment of money for the contracting of the marriage beyond the usual dowry;

7. (suppl. – SG 9/11) the presence of previous marriages or adoptions contracted for the purpose of evading the norms stipulating the regime for the foreigners;

8. (suppl. – SG 9/11) the circumstance that the matrimony was concluded , respectively – adoption was done, after the foreigner has obtained residence permit.

(5) (New, SG 42/01; amend., SG 37/03) The data under para 4 can be established by interviews held by employees of the services for administrative control of the foreigners, by statements of the concerned or third persons, by documentary means or by investigation and check up carried out by the state bodies. The services for administrative control of the foreigners shall obligatorily hear out the concerned persons.

(6) (\*) (new – SG 9/11) In the cases envisaged in Art. 10, Para 1, item 19, residence permit may be issued due to humanitarian reasons or reasons related to the execution of international obligations, after consultation with the Member State who forwarded the signal of refusal for entry.

(7) (new – SG 9/11) Appearance of illness after the initial issuance of residence permit under Chapter Three "A" to a foreigner and to the members of his/her family, as well as after the issuance of residence permit to the foreigner's family members on the ground to reunion the family cannot construct a ground to refuse extension of the residence term.

(8) (new – SG 9/11) Refusal to grant long-term residence permit cannot be grounded on the circumstances envisaged in Art. 10, Para 1, item 8. In the assessment for refusal to grant long-term residence duration of the residence of the foreigner in the Republic of Bulgaria, the age, health status, family status, social integrity, existing relations in the country or the absence of relations with the country of origin shall be taken in view.

(9) (New – SG 24/18, in force from 23.05.2018) The issuance of a residence permit or any extension of the residence permit of a foreigner shall be refused where the granted permit or the submitted documents have been obtained by deception or are false or forged.

(10) (New - SG 24/18, in force from 23.05.2018) Any extension of the period of residence shall be refused when the foreigner resides on the territory of the Republic of Bulgaria for purposes other than those for which his residence was permitted - in the cases under Art. 24, Para. 1, item 21, Art. 24b and 24c.

(11) (New - SG 9/11, previous Para. 9 - SG 24/18, in force from 23.05.2018) Refusal to grant

residence permit and extension of the term shall be reasoned and announced to the interested persons and shall be subject to appeal observing the procedure laid down in the Administrative-Procedure Code.

Art. 26a. (revoked – SG 63/05)

Art. 27. (amend. - SG 97/16) (1) The validity of a short-stay visa and of the permissible length of residence may be extended once by the services of administrative control of foreigners on humanitarian reasons, in exceptional circumstances or where public interest is present by placing a personalized visa sticker and stamp of the issuing authority into the passport or the document for travelling substituting it in an order determined by the regulations for implementing the act.

(2) The length of stay of persons who have entered the country under the visa waiver regime may be extended once by the services of administrative control of foreigners on humanitarian grounds related to exceptional circumstances or where public interest is present in an order determined by the regulations for implementing the act.

(3) The length of stay of a person under Art. 23a may be extended by the Ministry of Foreign Affairs without observing the restrictions under par. 1 and 2 in an order determined by an act of the Council of Ministers.

Art. 27a. (New, SG 42/01; suppl. - SG 28/08, suppl. - SG 97/16) The state and municipal bodies who, by virtue of a normative act carry out registration of foreigners or of activities carried out by foreigners, shall be obliged to check up the type and the grounds of the visas issued to the foreigners. For established discrepancies between the requested registration and the type and the grounds of the issued visa the registration shall not be made and the offices for administrative control of the foreigners and State Agency "National Security" shall be informed immediately.

Art. 27b. (New, SG 42/01) (1) The officials who, as a result of the activity carried out by them, establish a change of the legal status or of the activities of the foreigners, shall be obliged to inform immediately the offices for administrative control of the foreigners.

(2) (suppl. – SG 9/11) In case of withdrawal or termination of the right of permanent or long-term residence of a foreigner the offices for administrative control of the foreigners shall immediately inform the bodies of civil registration.

Art. 28. (Amend., SG 42/01) (1) (revoked – SG 63/05, in force from 01.01.06)

(2) (revoked – SG 63/05, in force from 01.01.06)

(3) (suppl., SG 37/03, SG 11/05; amend. - SG 36/09, amend. - SG 97/16) An individual or a corporate body who has provided shelter for a foreigner shall, within 3 days from providing the shelter, inform about this circumstance in writing the office for administrative control of the foreigners or the regional department of the Ministry of Interior at his location, announcing the name, the date of birth, the citizenship, the number and the series of the identification document of the foreigner.

(4) (amend. - SG 36/09) A person carrying out hotel activity, or his employee, shall register him immediately upon accommodation in a special register. The information for the accommodated foreigners shall be submitted daily by this person by 6 a.m. to the office for administrative control of the foreigners or at the regional department of the Ministry of Interior at the location of the hotel.

(5) (revoked – SG 63/05, in force from 01.01.06)

(6) (prev. para 5 - SG 37/03) The foreigners accredited as members of foreign diplomatic, consular and trade representations, as well as of representations of inter-governmental organisations in the Republic of Bulgaria shall be registered by the Ministry of Foreign Affairs.

(7) (prev. para 6 - amend., SG 37/03, amend.,– SG 63/05, in force from 01.01.06) The stay in the

Republic of Bulgaria of the persons under Art. 18, Para 2 and art. 24, para 1, item 14 shall not be included in the period necessary for obtaining permit for stay or for acquiring Bulgarian citizenship by naturalisation.

Art. 28a. (New, SG 42/01) (1) (amend. SG 54/02) Permitted to a foreigner under 18 years of age, who has entered the country on legal grounds without an escort - a parent or another person of age, responsible for him by virtue of a law or tradition, or with an escort by whom he has been left and he has not requested protection under the Asylum and Refugees Act, can be extension of the stay on the territory of the Republic of Bulgaria.

(2) The State Agency for protection of the child shall temporarily provide for the foreigners under para 1 the necessary material support and care for meeting their basic vital needs, medical care and due guardianship and representation, as well as access to free education in Bulgarian state and municipal schools until the final settlement of the issue of their stay in the country, but not after the completion of 18 years of age.

(3) In the cases when the foreigners under para 1 are not permitted extension of the stay on the territory of the Republic of Bulgaria they shall return to their country of origin, to a third country ready to receive them, by virtue of an agreement for delivery and acceptance with the Republic of Bulgaria, on condition that their life and freedom are not threatened there and they are not exposed to danger of prosecution, torture or inhuman or humiliating attitude.

Art. 29. (1) (prev. text of Art. 29 - SG 36/09; amend. – SG 9/11)) The foreigners who reside for long term, extended period or permanently in the Republic of Bulgaria shall certify their identity by an order determined with a law.

(2) (new - SG 36/09; amend. – SG 9/11, amend. - SG 97/16) The foreigners, staying for a long-term, extended period, permanently in the Republic of Bulgaria, shall certify their right to stay in the Republic of Bulgaria with a residence permit according 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.

(3) (new – SG 9/11, amend. - SG 97/16) The passport or its substitute document for travelling of the foreigner shall be valid at least three months from the date of submission of the application for issuance of residence permit.

(4) (new - SG 36/09; previous Para 3 – SG 9/11) The order of issuing the residence permit referred to in Para 2 shall be determined in an act of the Council of Ministers.

Art. 30. (amend. - SG 97/16) A foreigner, whose passport or document for travelling substituting it, is lost or demolished, shall be obliged immediately to notify about this the services for administrative control of foreigners.

Art. 31. (1) The documents of a foreigner for travel abroad shall be possible to be temporarily taken away:

1. by the corresponding bodies of the judicial authority when there is punitive procedure for committed crime of general character;

2. by the corresponding officials at accommodation at the places for implementation of the penalty imprisonment;

3. by the bodies of the Ministry of Interior when there is well-founded doubt that they are false or forged;

4. (amend. - SG 97/16) by the bodies of the Ministry of Interior when there is an issued order to expel, return or extradite from the country;

5. (revoked – SG 29/07)

6. by the bodies of the Ministry of Interior in the cases of foreigners returned from another country.

(2) In the cases of para 1, items 1, 2 and 3 the officers taken the documents of the foreigner shall compile a record on the basis of which the services for administrative control of foreigner issue temporary document certifying the identity of the person.

(3) The document for travel abroad shall be given back to the foreigner when the grounds for temporary taking away fall away.

(4) (amend. - SG 97/16) The document for travel abroad shall not be possible to be taken away from foreigners using immunity in the Republic of Bulgaria except other is provided in the international agreements to which the Republic of Bulgaria is a party.

Art. 32. The document for travel abroad shall not be possible to be given or accepted as pawn as well as to be conceded or used by another person.

Art. 33. (revoked - SG 33/16, in force from 21.05.2016)

### **Chapter three "a".**

#### **RESIDENCE OF A FOREIGNER, WHO HAS OBTAINED A LONG-TERM RESIDENCE PERMIT IN ANOTHER MEMBER STATE OF THE EUROPEAN UNION (new – SG 29/07; title amended – SG 9/11)**

Art. 33a. (new – SG 29/07) (1) (amend. – SG 9/11) A foreigner, who has obtained a long-term residence permit in another Member State of the European Union, may acquire extended residence permit in the Republic of Bulgaria:

1. if he/she is a worker, employee or a self-employed person in the Republic of Bulgaria;
2. with the purpose of education, including vocational training at an educational institution;
3. (new – SG 9/11) with another purpose.

(2) (amend. – SG 9/11) The foreigner under para shall be granted extended residence permit, if he/she meets the requirements as per Art. 24, para 2 and presents:

1. work permit in the Republic of Bulgaria – in case he/she is a worker or employee;
2. documents, showing that he/she has a permit for carrying out free-lance activity and possesses the financial resources required for carrying out economic activity – in case he/she is a self-employed person;
3. certificate from educational institution that he/she is enrolled for education regarding the respective school year – if the residence is with the purpose of education.
4. (new – SG 9/11) documents with regard to the circumstances envisaged in Art. 24, Para 2.

Art. 33b. (new – SG 29/07) (1) (amend. – SG 9/11) The foreigner under Art. 33a, para 1 shall submit at the offices for administrative control of foreigners an application for issuing extended residence permit on the territory of the Republic of Bulgaria within three-months time period from his/her entry on the said territory.

(2) (amend. – SG 21/12; amend. – SG 53/14; amend. - SG 14/15) The application shall be forwarded ex officio to the Migration Directorate – MI, which shall consider it within 4 months from the date of submission thereof.

(3) In case the documents referred to in Art. 33a, para 2 are not enclosed to the application or the case is one of factual complexity, the term may be extended by a maximum of three months. In these cases the bodies for administrative control of foreigners shall immediately inform the foreigner thereof.

(4) The procedure of considering the application shall be determined in the Regulations on

## Implementation of the Law.

Art. 33c. (new – SG 29/07) (1) amend. – SG 9/11) The extended residence permits shall be issued for a period of one years.

(2) The permit shall be renewed upon a request of the foreigner by offices for administrative control of foreigners after expiration of its term.

Art. 33d. (new – SG 29/07) (1) (amend. – SG 9/11) In case the foreigner envisaged in Art.33a, para 1 holds an extended residence permit in the Republic of Bulgaria and has a family, set up in the Member State of the European Union, which has issued the long-term residence permit, his/her family members shall be entitled to accompany or to join him/her.

(2) (suppl. – SG 9/11) In order to receive residence permit, the family members shall present at the territorial office for administrative control of foreigners:

1. valid document for travelling abroad;
2. the documents referred to in Art. 24, para 2, except for the documents referring to the ensured accommodation;
3. their long-term residence permit or residence permit in the other Member State of the European Union;
4. proof that they have resided in their capacity as members of the family of long-term resident foreigner in the other Member State of the European Union.

(3) The term of residence of the family members shall be determined by the residence term of the foreigner under Art. 33a, para 1.

(4) In the event that the family has not been set up under the terms of para 1, with respect to the members of the family of the foreigner the general rules for entry and stay of foreigners in the Republic of Bulgaria shall be applied.

Art. 33e. (new – SG 29/07; amend. – SG 9/11; amend. – SG 21/12; amend. – SG 53/14; amend. - SG 14/15) The Migration Directorate – MI shall inform the other Member State of the European Union of the right of extended residence granted to the foreigner under Art. 33a, para 1.

Art. 33f. (new – SG 29/07; revoked – SG 9/11)

Art. 33g. (new – SG 29/07) (1) In case the grounds of refusal or withdrawal of residence permit are present, the bodies of the Ministry of Interior shall immediately and without any formality return the foreigner under Art. 33a, Para 1 or his/her family members in the Member State of the European Union, in which they have long-term residence permit

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

(3) (new – SG 43/11, in force from 15.06/2011) Republic of Bulgaria shall immediately and without any formality accept back a foreigner, whom the country has issued a permit for a long-term residence, as well as the members of his/her family, in the cases where the right to residence was deprived or refused by another Member State of the European Union.

Art. 33h. (new – SG 29/07) (1) (suppl. – SG 109/07, in force from 01.01.2008) In case the foreigner under Art. 33a, para 1 or his/her family members pose a serious threat to the social security and order, the bodies of the Ministry of Interior or State Agency "National Security" may expel them from the territory of

the European Union, before they acquire right of long-term residence in the Republic of Bulgaria, following a coordination with the competent authorities of the other the Member State of the European Union, in which they have long-term residence permit.

(2) At the expulsion shall be accounted the duration of residence of the foreigner on the territory of the Republic of Bulgaria, the age, the health condition, the family status, the social integration, as well as the presence of a connection with the state of residence or the lack of connection with the state of origin of the person.

(3) (suppl. – SG 109/07, in force from 01.01.2008) The bodies of the Ministry of Interior or State Agency "National Security" shall notify the competent authorities of the other the Member State of the European Union of the enforcement of the expulsion decision.

(4) (new – SG 23/13, in force from 01.05.2013) A foreigner who holds a residence permit for long-term resident in the European Union in the first Member State on the ground of the international protection provided by the same Member State, which has not been revoked, may be expelled even before he or she is entitled to long-term residence in the Republic of Bulgaria, if there is reason to believe that the said foreigner poses a serious threat to national security or, being convicted by a final judgment of a serious crime, he or she poses a threat to the public order.

(5) (new – SG 23/13, in force from 01.05.2013; amend. - SG 80/15, in force from 16.10.2015) Where it comes to expulsion of a foreigner who holds a residence permit for long-term resident in the European Union in the first Member State on the ground of the international protection in another Member State of the European Union, the competent body under Art. 44, para 1 shall, through the State Agency for Refugees, file a request to this Member State for acknowledgement of the international protection provided.

(6) (new – SG 23/13, in force from 01.05.2013; amend. - SG 80/15, in force from 16.10.2015) Upon request by another Member State the State Agency for Refugees shall provide information whether international protection has been granted or not by the Republic of Bulgaria within one month from submission of the request.

(7) (new – SG 23/13, in force from 01.05.2013; amend. - SG 80/15, in force from 16.10.2015) Upon confirmation of the international protection provided, foreigners under para 5 and their family members shall immediately go back to the Member State that has granted them international protection.

(8) (new – SG 23/13, in force from 01.05.2013; amend. - SG 80/15, in force from 16.10.2015) A foreigner whose presence in a certain country poses a serious threat to national security or who, being convicted by a final judgment of a serious crime, poses a threat to the public order, may be expelled in a country other than the Member State which has granted the international protection, provided that the requirement of Art. 44a, para 1 is observed.

(9) (new – SG 23/13, in force from 01.05.2013) The Republic of Bulgaria shall immediately readmit foreign nationals to whom it has granted international protection, as well as their family members, where another Member State of the European Union has adopted a decision for their expulsion.

Art. 33i (new – SG 9/11) (1) For a foreigner, who has obtained extended residence permit in the Republic of Bulgaria as a second Member State, and who obtains right to long-term residence as per Art. 24d, a long-term residence permit may be issued on the ground of a submitted application.

(2) Services for administrative control over the foreigners shall notify the first Member State of the granted right of long-term residence to the foreigner.

(3) (new – SG 23/13, in force from 01.05.2013) Upon issuance of residence permit to a foreign national who is long-term resident in the European Union and enjoys international protection in the first Member State in the "Remark" field shall be stated the international protection provided by the Republic of Bulgaria and the date on which it has been provided.

(4) (new – SG 23/13, in force from 01.05.2013; amend. - SG 80/15, in force from 16.10.2015) Following consultations held by the State Agency for Refugees with the first Member State, during which is confirmed that the international protection provided has not been withdrawn by a final decision, the

competent bodies of the Ministry of Interior shall make the remark under para 3.

(5) (new – SG 23/13, in force from 01.05.2013; amend. - SG 80/15, in force from 16.10.2015) Where another Member State makes an inquiry, the State Agency for Refugees shall provide information on the presence or absence of international protection granted by the Republic of Bulgaria as a first Member State within one month from submission of the inquiry.

(6) (new – SG 23/13, in force from 01.05.2013) Where international protection is provided by the Republic of Bulgaria prior to granting a residence permit to a foreign national, residing in the European Union on a long-term basis, by the competent units of the Ministry of Interior, the State Agency for Refugees shall notify the Member State that issued such a permit, to make a remark as laid down in Art. 24e, para 3.

(7) (new – SG 23/13, in force from 01.05.2013) Where, responsibility for the international protection of the long-term resident was transferred to the Republic of Bulgaria after the long-term resident's EU residence permit was issued by the competent units of the Ministry of Interior, the remark referred to in para 3 shall be amended according to Art. 24e, para 3 no later than 3 months after the issuance of a Bulgarian identity document pursuant to the Bulgarian Personal Documents Act.

(8) (new – SG 23/13, in force from 01.05.2013) The amendment in the Remark box of the long-term resident's EU residence permit issued by the competent units of the Ministry of Interior shall be made on the grounds of a notification by the Member State that it has undertaken the responsibility for the international protection prior to granting such permit. The amended permit shall be issued no later than 3 months after receipt of the notification.

### **Chapter three "b".**

#### **Residence of third country citizens for the purposes of highly qualified employment (new – SG 9/11), in force from 01.06.2011)**

Art. 33j. (new – SG 9/11, in force from 01.06.2011; suppl. – SG 43/11, in force from 15.06.2011, amend. - SG 33/16, in force from 21.05.2016, amend. - SG 97/17) (1) Residence and work permit of the "EU Blue Card" type may be granted to foreigners who are highly qualified workers pursuant to the Labour migration and labour mobility Act and hold a visa under Art. 15, Para. 1 or a permit for long-term residence in the Republic of Bulgaria on other grounds.

(2) (amend, and suppl. – SG 543/11, in force from 15.06.2011; amend. – SG 70/13, amend. - SG 97/17) The permit under Para. 1 shall be issued after a decision of the authorities of the Ministry of Labour and Social Policy for a period of up to 4 years. If the duration of the employment contract is shorter, the permit shall be issued for the duration of the contract extended by three months, and may be renewed, if there are grounds for its reissuing.

(3) Family members of the blue card holder may be granted with extended residence permit with period of validity relevant to the allowed residence period of the EU Blue Card holder. For the issuance of a residence permit for the family members, the requirements as per Art. 24, Para shall be fulfilled.

(4) (suppl. – SG 70/13) Permit referred to in in Para 1- 3 shall be issued following a single application procedure, laid down in the Regulations for Implementation of this Act.

(5) (new – SG 70/13, suppl. - SG 24/18, in force from 23.05.2018) An EU blue card holder shall be granted a residence permit in compliance with the requirements laid down in Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, provided that in the Section "Permit type" is entered "EU blue card". Upon change of employer under the Labour Migration and Labour Mobility Act a new permit shall be issued under Para. 1.

(6) (New - SG 97/17, amend. - SG 24/18, in force from 23.05.2018) Permit under Para. 1 can not be issued to foreigners who have been granted a long-term residence permit on the grounds of Art. 24i, as well as to family members of European Union citizens who have exercised or are exercising their right of free movement within the territory of the European Union and have been granted the right of residence under the



Act On the Entering, Residing And Departing from the Republic of Bulgaria of European Union Citizens Who Are Not Bulgarian Citizens, And Their Family Members.

Art. 33k. (new – SG 9/11, in force from 01.06.2011) (1) Any holder of an EU Blue Card, issued in another Member State of the European Union, who have resided on the territory of that 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 skilled employment. Application for the issuance of EU Blue Card in the Republic of Bulgaria shall be submitted not later than a month after the foreigner's entry in the country.

(2) If the term of validity of the Blue Card, issued in the first Member State, elapses during the proceedings of issuance of an EU Blue Card in the Republic of Bulgaria, the services of administrative control over the foreigners shall issue a temporary residence permit for the foreigner, which permit shall provide him/her the opportunity to prolong his/her legal residence in the Republic of Bulgaria till decision on his/her application is taken by the competent authority.

(3) Para 1 and 2 shall also be applicable where the foreigner has exercised his/her right to migrate in another Member State.

(4) (suppl. – SG 43/11, in force from 15.06.2011) In the cases, where the holder of an EU Blue Card, issued in another Member State, migrates into the Republic of Bulgaria as per Para 1 and if his/her family has already reunited in that Member State, members of his/her family shall be granted a permission to accompany him/her or reunite him/her. Where provisions of Para 2 shall be applied respectively, to the family members of the holder of an EU Blue Card a temporary residence permit may be issued.

Art. 33l. (new – SG 9/11, in force from 01.06.2011) (1) A holder of an EU Blue Card may be granted a statute of long-term residing in the Republic of Bulgaria, if he/she resided legally and uninterruptedly 5 years on the territory of Member States of the European Union as a holder of EU Blue Card, from which 2 years on the territory of the Republic of Bulgaria.

(2) The five years period envisaged in Para 1 shall not be considered interrupted by periods of absence of the EU Blue Card holder from the territory of Member States of the European Union, with the purpose to exercise economical activity as an employed or free-lanced person due to performing a volunteer activity or education in his/her country of origin, if these periods are shorter than 12 consequential months and the total duration do not exceed 18 months within the five years period.

(4) For the holder of EU Blue Card, who has obtained a statute of long-term residing person in the Republic of Bulgaria, a residence permit shall be issued in accordance with the requirements laid down in the Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, and "former holder of EU Blue Card" shall be entered in the field "Remark".

Art. 33m. (new – SG 43/11, in force from 15.06.2011) Unemployment period shall not be a ground to deprive from EU Blue Card or to refuse prolongation of the residence term to its holder, where it does not exceed 3 consecutive months or where it does not arise more than once for the validity period of the EU Blue Card.

Art. 33n. (new – SG 43/11, in force from 15.06.2011) Members of the family of an EU Blue Card holder may be granted an independent long-term residence permit under conditions as per Art. 24f, Para 4.

### **Chapter three "c".**

## **RESIDENCE OF THIRD COUNTRY CITIZENS FOR THE PURPOSES OF INTRA-CORPORATE**

## **TRANSFERS (NEW - SG 33/16, IN FORCE FROM 21.05.2016)**

Art. 33o. (New - SG 33/16, in force from 21.05.2016) (1) Permits for persons transferred during intra-corporate transfer, with the right of extended residence, can be given to foreigners who meet the requirements for access to the labour market under the Labour migration and labour mobility Act and who hold a visa under Art. 15, para. 1.

(2) The permit under par. 1 shall be issued following a decision by the authorities of the Ministry of Labour and Social Policy, for a period of one year, and shall be renewed if there are grounds for reissue. If the duration of the employment contract is less than one year, the permit shall be issued for the duration of the contract.

(3) The permit under par. 1 shall be issued in accordance with Regulation (EC) № 1030/2002 of the Council of 13 June 2002 on a uniform format for residence permits for third-country nationals subject to uniform application procedure and by an order, determined in the regulation on the act's implementation, where in the field "type of permit" it shall be noted "intra-corporate transfer".

(4) (Suppl. - SG 24/18, in force from 23.05.2018) "Migration" Directorate, sector/group "Migration" at the Metropolitan Directorate of Internal Affairs, or the respective Regional Office of the Ministry of the Interior shall notify in writing the applicant regarding the permit under par. 1 no later than 14 days from the date of its filing.

(5) When, during a renewal procedure, the validity of the permit under par. 1 expires, the person is entitled to reside in the Republic of Bulgaria until a decision on the application is reached.

Art. 33p. (New - SG 33/16, in force from 21.05.2016) (1) (Amend. - SG 24/18, in force from 23.05.2018) Family members of the permit holder, who has been transferred during intra-corporate transfer, can receive permits for extended stay pursuant to Art. 24, Para. 1, item 13 for the term of residence of the holder, if they meet the conditions of Art. 24, Para. 2.

(2) The permit under par. 1 shall be issued following an application procedure and by an order, determined by the regulation on the act's implementation.

Art. 33q. (New - SG 33/16, in force from 21.05.2016) Permit holder, transferred during intra-corporate transfer, whose permit has been issued by a first Member State, shall be entitled to stay in the Republic of Bulgaria as a second Member State for up to 90 days within any period of 180 days.

Art. 33r. (New - SG 33/16, in force from 21.05.2016) (1) Permit holder, being a person transferred during intra-corporate transfer, whose permit has been issued by a first Member State, shall be entitled to stay for more than 90 days in the Republic of Bulgaria as a second Member State if the holder meets the conditions for access to the labour market under the Labour migration and labour mobility Act.

(2) The permit holder under par. 1 shall be issued a permit for mobility in an intra-corporate transfer in accordance with requirements of Regulation (EC) № 1030/2002 of the Council of 13 June 2002 on a uniform format for residence permits for third-country nationals, as in the field "notes" it shall be written "mobile ICT - mobility in ICT".

(3) The Ministry of Interior shall inform the competent authorities of the first Member State when issuing a permit for mobility in intra-corporate transfer.

(4) The first Member State shall inform the Ministry of Interior of the Republic of Bulgaria when revoking a permit to a person transferred during intra-corporate transfer.

(5) The host company shall inform the Migration Directorate and the Employment Agency of any changes affecting the conditions, under which the mobility was permitted, where the Republic of Bulgaria is the second Member State.

(6) Permit holder, being a person transferred during intra-corporate transfer, for whom the grounds

under Art. 10, para. 1, item 1 are present, shall not be allowed entry or stay on the territory of the Republic of Bulgaria.

#### **Chapter four.**

### **FOREIGNERS LEAVING THE REPUBLIC OF BULGARIA**

Art. 34. (amend. - SG 97/16) Any foreigner shall be obliged to leave the country till the elapse of the permitted term of his stay.

Art. 35. (1) A foreigner staying for a short term who's document for travel abroad has been substituted with a new one shall be able to leave the country after notifying about this the services for administrative control of foreigner except other is provided in an international agreement to which the Republic of Bulgaria is a party.

(2) A foreigner who has an extended residence permit shall be able to leave the country and to return back without a visa till the elapse of the permitted term for stay.

(3) (suppl – SG 9/11) A foreigner who has a long-term or permanent residence permit shall be able to leave the country and to return back without a visa.

(4) (New - SG 97/16) In the event that the validity of the residence permit has expired prior to returning to the country, the foreigner may enter the territory of the Republic of Bulgaria with a visa under Art. 15, para. 1, issued on terms and conditions determined by the ordinance under Art. 9f, par. 1.

Art. 36. (amend. - SG 97/16) The foreigners shall be able to leave the Republic of Bulgaria through the places determined for this on the basis of passports or documents for travelling substituting them giving them the right to leave the country.

Art. 37. A foreigner shall not be able to leave the country if for him there is undertaken compulsory administrative measure for not leaving.

Art. 38. A foreigner who with a transport means leaves the Republic of Bulgaria on road, in the air or on water shall possess the documents of art. 21, para 1, items 2 and 3, as well as permission for export of the transport means if this is necessary.

Art. 39. The handing over of a foreigner for committed crime shall be implemented under the conditions and by the order established by the Bulgarian laws and the international agreements to which the Republic of Bulgaria is a party.

#### **Chapter five.**

### **ADMINISTRATIVE COERCIVE MEASURES**

#### **Section I.**

#### **Compulsory administrative measures**

Art. 39a. (New, SG 42/01; prev. text of Art. 39a – SG 23/13) (\*) The compulsory administrative measures imposed to the foreigners according to this Act are:

1. revoking the right of stay in the Republic of Bulgaria;
2. (amend. - SG 97/16) return to country of origin, country of transit crossing or a third country;
3. expulsion;

4. (amend. – SG 23/13); (\*), suppl. – SG 70/13 (\*)) prohibition to enter and reside on the territory of Member States of the European Union;

5. prohibition to leave the Republic of Bulgaria.

(2) (new – SG 23/13) In the implementation of administrative coercive measures under para 1, items 1 and 2 shall be monitored by the Ombudsman of the Republic of Bulgaria or by authorized officials from its administration as well as by representatives of national or international non-governmental organizations.

Art. 39b. (new - SG 36/09) (1) (amend. – SG 23/13) In the order imposing a compulsory administrative measure under Art. 39a, para 1, Items 1 and 2 shall be specified a term between 7 and 30 days, within which foreigners shall voluntarily fulfil their obligation to return.

(2) (suppl. – SG 9/11) In order to be provided a term for voluntary departure longer than 30 days, the foreigner shall submit an application to the competent authority, which has issued the order under Para 1 and which shall decide and notify the foreigner within three days. In such cases the specific circumstances shall be taken into account for each individual case, such as: the length of stay, health status, needs of the vulnerable groups, presence of children attending school and other family and social relations. Term for voluntary departure may be prolonged but for no longer than one year.

(3) Where a voluntarily departure has been allowed, but it is probable that the foreigner hides himself, the competent authority issuing the order under Para 1 may issue an order to the foreigner to present himself daily at the territorial structure of the Ministry of Interior at the location of his residence.

(4) Where the person presents a threat for the national security or for the public order, the competent authority shall not provide a term for voluntary departure.

Art. 40. (Amend., SG 42/01) (1) The revoking of the right of stay of a foreigner in the Republic of Bulgaria shall be imposed when:

1. (amend. - SG 36/09; amend. – SG 9/11; amend. and suppl. – SG 16/13; suppl. – SG 70/13, in force from 24.12.2013; amend. and suppl. – SG 108/13, suppl. - SG 33/16, in force from 21.05.2016, suppl. - SG 97/17, suppl. - SG 24/18, in force from 23.05.2018) grounds, laid down in Art. 24; 24a; 24b; 24c; 24f; 24h; 24i; 24j, 24l, 24m, 24n, Art. 25 Para 1, items 6, 7, 8, 13, 16 and 17; Art. 25b; 25d, 33a; 33d; 33k and 33l, 33o and 33r do not exist anymore, as well as in those cases where the investment with regards to which the foreigner has been granted permanent residence, is terminated or transferred to another person prior to the expiry of the time limit fixed in the law, regardless of the grounds for the said termination or transfer;

2. (suppl. – SG 9/11) the grounds of Art. 10, Para 1, items 104, 6011, 14, 16, 20-22; as well as in the cases under Art. 26, Para 3 are present;

3. it is established that the data presented for its obtaining are untrue;

4. (suppl. - SG 36/09; amend. – SG 9/11) the marriage is terminated before the elapse of 7 years from its contracting in the cases under art. 25, Para 1, item 2;

5. (amend. - SG 36/09; amend. – SG 16/13; suppl. – SG 23/13, amend. - SG 97/17) within one year after the permission the foreigner has not settled and is not on the territory of the country except the cases of Art. 25, para 1, items 6, 7, 8, 13 and 16, as well as regarding the members of a family of a foreigner under Art. 25, Para 1, items 6, 7, 8, 13, 16 and Art. 25d.

6. (amend. - SG 36/09; amend. – SG 9/11; amend. – SG 21/12; amend. – SG 16/13, amend. - SG 97/17) is found that the foreigner, who was granted a long-term or permanent residence permit, was absent from the territory of the Member States of the European Union for a period of 12 consecutive months, except in cases of permitted permanent stay under Art. 25, Para 1, Items 6, 7, 8, 13, 16 and Art. 25d, as well as regarding family members of a person under Art. 25, para 1, items 6, 7, 8, 13 and 16;

7. (new – SG 52/07; amend. – SG 9/11) the refugee status or humanitarian status or the temporary asylum granted under the Asylum and Refugees Act is withdrawn or terminated;

8. (new – SG 52/07) the asylum granted under the Asylum and Refugees Act is withdrawn.

9. (new – SG 9/11) a foreigner, who was granted a long-term permit, has obtained a statute of long-term residing person in another Member State of the European Union;

10. (new – SG 9/11, suppl. - SG 97/17) is found that the matrimony with a Bulgarian citizen is was terminated before the elapse of 5 years of its concluding, with the exception of the cases under Art. 24l and Art. 25d;

11. (new – SG 9/11, in force from 01.06.2011) a holder of EU Blue Card has obtained a long-term residence permit in the Republic of Bulgaria, or the members of his/her family, who have obtained a long-term residence permit, have been absent for 24 consequential months from the territory of the Member States of the European Union;

12. (New - SG 9/11, in force from 01.06.2011, amend. and suppl. - SG 33/16, in force from 21.05.2016) it is established that the holder of the EU blue card or of the permit of a person transferred during intra-corporate transfer is residing for purposes other than those, for which the residence permit has been given, as well as when the card holder has violated the conditions of access to the labour market under the Labor migration and labour mobility Act.

13. (new - SG 97/17) a member of the family of a Bulgarian citizen with granted right of permanent residence under Art. 25d is absent from the Republic of Bulgaria for a period longer than two consecutive years.

(2) (\*) (amend. – SG 9/11) In the cases envisaged in Art. 10, Para 1, item 19, right to reside may be withdrawn after consultations with that Member State, who has forwarded the signal of refused entry.

(3) (new – SG 9/11) Right of long-term residence shall be withdrawn in the cases envisaged in Para 1, items 3, 6, 9; and 11 and in Art. 42, Para 1, where the foreigner represents a real and serious danger for the national security and public order.

(4) (new \_ SG 9/11, suppl. - SG 97/17) In all cases after a 6 years absence from the territory of the Republic of Bulgaria, grated right of long-term or permanent residence shall be withdrawn, with the exception of the cases under Art. 25d.

(5) (new 0 SG 9/11) Right of residences of a foreigner, who obtained residence permit under Chapter Three "A", and of his family members shall be withdrawn in the cases envisaged in Para 1, items 1 and 2, except for the cases of Art. 10, Para 1, item 8 and in the cases where the persons do not reside legally on the territory of the Republic of Bulgaria.

(6) (new – SG 29/07; previous Para 3, suppl – SG 9/11) A copy of the entered into force order for deprivation of the right of long-term or permanent residence of a foreigner in the Republic of Bulgaria shall be sent to the municipality at his/her permanent address in order to be entered in the register of the population.

Art. 41. (Amend., SG 42/01, amend. - SG 97/16) Return shall be required when:

1. the foreigner cannot certify his/her entering the country lawfully;

2. (amend. - SG 36/09) the foreigner does not leave the country until the expiration of the permitted term or within the terms of Art. 39b;

3. (amend. - SG 97/16) it is established that the foreigner has entered and has resided in the country with a false or forged passport or a document for travelling substituting it;

4. (new - SG 97/16) regarding the foreigner there is an enacted decision for refusal, terination or withdrawal of international protection or asylum, or with regard to whom proceedings under the Asylum and Refugees Act have been terminated with an effective decision, unless the termination has been given towards a foreigner, for whom there is a decision for re-admission into the Republic of Bulgaria and the proceedings have not re-opened;

5. (new - SG 97/16) it is established that the foreigner has crossed the border of the country lawfully, but tries to leave it not at the designated points or with false or forged passport or a document for travelling substituting it.

Art. 41a. (New - SG 97/17) A foreigner who has been imposed a compulsory administrative measure under Art. 41 may be issued with a European Return Document as required by Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the validation of a European Road Transport 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 the procedure laid down in the Implementing Regulations.

Art. 42. (Amend., SG 42/01) (1) (amend. – SG 23/13) Expulsion of a foreigner shall be imposed where:

1. his or her presence in the country creates a serious threat to national security or public order;
2. the grounds under Art. 10, para 1, items 1 – 4 are present.

(2) (amend. – SG 23/13) (\*), suppl. – SG 70/13 (\*\*)) By imposing the compulsory administrative measure under para 1 shall be withdrawn the right of stay of the foreigner in the Republic of Bulgaria and shall be imposed a prohibition of entering and residing in the territory of the Member States of the European Union.

(3) (new – SG 9/11) Expulsed shall also be a foreigner, who holds residence permit or another permit granting right to reside, issued by another Member State, if he/she does not returns in that Member State within 7 days tern from the moment when illegal residing was found.

(4) ( new – SG 9/11; suppl. – SG 23/13) Before imposture of expulsion to a foreigner, who was granted a long-term residence permit, duration of residing of the foreigner in the Republic of Bulgaria, the age, health status, marital status, social integration, existing relations in the country or absence of relations with country of origin shall be taken in view. Expulsion may not be justified on economic grounds.

(5) (New - SG 97/17) Where the expulsion order against a family member of a Bulgarian citizen, who was granted the right of residence pursuant to Art. 24l or Art. 25d, has not been implemented for over two years after its entry into force, the authority which issued it shall verify that the factual grounds for its issuance still exist. Where the de facto grounds have been dropped, the order shall be revoked.

(6) (New - SG 97/17) A member of the family of a Bulgarian citizen who has been granted a right of residence pursuant to Art. 24l or Art. 25d and who was set to be expelled, shall not be expelled to a country where his life and freedom are threatened and he is exposed to the risk of persecution, torture or inhuman or degrading treatment.

Art. 42a. (new – SG 29/07) Expulsed shall also be a foreigner, residing in the territory of the Republic of Bulgaria, to whom expulsion decision is issued by the competent authorities of another Member state of the European Union.

Art. 42b. (new – SG 29/07) (1) The expulsion under Art. 42a. shall be executed in case the expulsion decision has not been repealed or temporarily suspended in order to be enforced by the Member State of the European Union, which has issued it, in case:

1. the foreigner poses a serious danger to public order or national security because of the fact that:
  - a) with respect to him/her there is a sentence, entered into force, for a crime, regarding which is imposed penalty imprisonment for a period of one year minimum;
  - b) sufficient data is available that he/she has committed serious crime or there is sufficient data for his/her intention of committing such a crime on the territory of a Member state of the European Union;

2. the decision for expulsion of the foreigner is grounded on the fact that he/she does not observe the requirements of the legislation regarding entry and stay of foreigners in the Member state of the European Union, which has issued it.

2. the decision for expulsion of the foreigner is grounded on the fact that he/she does not observe the requirements of the legislation regarding entry and stay of foreigners in the Member state of the European Union, which has issued it.

(2) In the cases referred to in para 1, item 1, where the foreigner has a residence permit in the Republic of Bulgaria, Art. 42, para 2 shall be applied.

Art. 42c. (new – SG 29/07) (1) The expulsion under Art. 42a shall be executed after receiving a confirmation that it has not been repealed or temporarily suspended from the competent authorities of the Member State of the European Union, which has issued the expulsion decision, as well as documents ascertaining the identity of the foreigner.

(2) (amend. - SG 77/18, in force from 01.01.2019) The execution of the expulsion decision, issued by the competent authorities of another Member State of the European Union, may be subject to contestation by the manner of the Art. 46.

Art. 42d. (new – SG 29/07) The expulsion under Art. 42a. shall not be executed, if otherwise provided by special law or international agreement, to which the Republic of Bulgaria is a party.

Art. 42e. (new – SG 29/07) The bodies of the Ministry of Interior shall inform the competent authorities of the other Member State of the European Union, who have issued the expulsion decision, of its execution or of presence of ground for non-fulfilment thereof.

Art. 42f. (new – SG 29/07) In case the expulsion may not be carried out at the expense of the foreigner being expelled, the bodies of the Ministry of Interior shall notify the competent authorities of the other Member State of the European Union, who have issued the expulsion decision, of the expenses made in relation to its execution. The manner of notification shall be determined by the Regulations for Implementation of the Law.

Art. 42g. (new – SG 29/07; suppl. – SG 109/07, in force from 01.01.2008) On the grounds referred to in Art. 42b, para 1, the bodies of the Ministry of Interior and State Agency "National Security" may issue an order for expulsion and to demand its enforcement by the competent authorities of the other Member State of the European Union with regards to a foreigner, who is situated on its territory.

Art. 42h. (New, SG 42/01; prev. text of Art. 42a – SG 29/07) (1) (suppl. – SG 9/11; amend. – SG 23/13 (\*), amend. – SG 70/13) Prohibition of entry and residence in the territory of Member States of the European Union shall be imposed where:

1. the grounds under Art. 10, para 1 are present;
2. no time limit has been given for the person to leave Bulgaria voluntarily under the terms of Art. 39b, para 4;
3. the foreign national fails to fulfil his/her obligation to return.

(2) (revoked – SG 9/11)

(3) (amend. and suppl. - SG 36/09; amend. – SG 23/13; (\*), amend. – SG 70/13 (\*)) The prohibition for entry and residence in the territory of Member States of the European Union shall be valid for a period of 5 years. The prohibition for entry and residence in the territory of Member States of the European Union may be for a period longer than 5 years, where the person presents a serious threat for the public order or for the national security.

(4) (amend. and suppl. – SG 9/11) The prohibition of entry can be imposed simultaneously with the compulsory administrative measure under Art. 40, Para 2, or under art. 41 when the grounds under Art. 10, Para 1 are present.

Art. 43. (Amend., SG 42/01) (1) Prohibition to leave the Republic of Bulgaria shall be imposed to a foreigner who:

1. has been convicted by an enacted sentence and has not served the imposed imprisonment;
  2. (amend., SG 37/03; revoked – SG 23/13)
  3. (Amend., SG 45/02; revoked – SG 23/13)
- (2) (revoked – SG 9/11)

(3) (amend. - SG 97/16) A Bulgarian citizen under 18 years of age having another citizenship as well, one of whose parents is a Bulgarian national and has not presented a written consent for travelling abroad, shall not be allowed to leave the Republic of Bulgaria.

Art. 44. (Amend. SG 42/01) (1) (amend. SG 54/02; amend., SG 103/03; taking effect in three months from the promulgation of this Act in the State Gazette; amend. – SG 82/06; amend.– SG 29/07; suppl. – SG 109/07, in force from 01.01.2008; amend. - SG 36/09; suppl. – SG 93/09, in force from 25.12.2009; amend. – SG 44/12; amend. – SG 52/13, in force from 14.06.2013; amend. – SG 53/14; amend. - SG 14/15) Compulsory administrative measures shall be imposed by orders of the Chairman of State Agency "National Security" and the Directors of the Chief Directorates "National Police", "Border Police" and "Fighting Organised Crime", the Directors of the Capital and Regional Directorates, the Director of the Migration Directorate, the Directors of the regional directorates "Border Police" at the Ministry of Interior and of officials authorized by them. The circumstances requiring the imposition of a certain compulsory administrative measure, when containing classified information, shall be noted in a separate document, drawn up by the respective officials under the order of the Protection of the Classified Information Act.

(2) (amend. - SG 36/09; suppl. – SG 9/11)) When imposing compulsory administrative measures, the competent shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons, presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.

(3) (amend. – SG 82/06; amend.– SG 29/07) The orders for imposing compulsory administrative measures shall be carried out by the offices for administrative control of the foreigners, respectively by the bodies for border control upon their enactment, unless the body who has issued the order has admitted preliminary fulfilment.

(4) Subject to immediate fulfilment shall be:

1. (suppl. - SG 101/16, in force from 20.12.2016) the orders for withdrawal of the right of stay in the Republic of Bulgaria for the presence of the circumstances under art. 10, para 1, item 1 and 1a;

2. (amend. – SG 23/13; suppl. - SG 101/16, in force from 20.12.2016) (\*) the orders for imposing prohibition to enter and reside in the territory of Member States of the European Union for the presence of the grounds under art. 10, para 1, item 1 and 1a;

3. the expulsion orders.

(5) (amend. - SG 36/09; amend. – SG 23/13, amend. - SG 97/16, amend. - SG 97/17) When obstacles exist for a foreigner to leave the country immediately or to enter another country, and no actions are scheduled for his forthcoming expulsion, the authority issuing the enforcement administrative measure or the director of the Migration Directorate, shall, after assessing the individual circumstances and the risk of hiding or thwarting the return by other means, shall order by an order, laid down in the implementing regulation, the execution - together or separately - of any of the following precautionary measures:

1. the foreigner shall undertake to appear on a weekly basis at the territorial structure of the Ministry of Interior at his place of residence;

2. the foreigner shall pay, personally or through a third person, a pecuniary guarantee within the term and in an amount determined by the regulation for implementation of the act;

3. the foreigner shall transmit in a temporary pledge a valid passport or other travel document for abroad, which he receives back in the course of the return or expulsion.

(6) (amend. - SG 36/09; amend. – SG 23/13, amend. - SG 97/16, amend. - SG 97/17) When the



person who was imposed a compulsory administrative measure under Art. 39a, para 1, Items 2 and 3, hinders the execution of the order or there is risk from hiding, the authorities under Para. 1 may issue an order for compulsory accommodation of the person in a special hostel for temporary accommodation of foreigners with the purpose of organising their return or expulsion. Forced accommodation shall also be ordered in cases where the foreigner does not fulfill the conditions of the precautionary measures imposed by Para. 5.

(7) (new, SG 37/03; amend., SG 103/03; taking effect in three months from the promulgation of this Act in the State Gazette; amend. – SG 82/06; amend., SG 69/08; amend. – SG 53/14, amend. - SG 97/16) Established at the General Directorate "Border Police" shall be special homes for temporary accommodation of foreigners for whom order has been issued for return or for expulsion.

(8) (new - SG 36/09; amend. – SG 70/13; amend. – SG 53/14, amend. - SG 97/16, amend. - SG 97/17) The accommodation shall last until the circumstances under Para 6 cease to exist, but no longer than 6 months. Official inspections shall be conducted on a monthly basis by the competent authorities referred to in para 1, together with the Director of the General Directorate "Border Police", in order to ascertain the existence of grounds for forcible placement in special facilities. By exception, where the person refuses to cooperate with the competent authorities, the receiving of the required documents for return or expulsion at the date of expiry of the allowed term of forced accommodation under Para. 6, the Director of the Migration Directorate may issue an order for extension of the forced accommodation in the special home for a period not longer than an additional 12 months. The order for extension of the forced accommodation shall be subject to appeal under the procedure of Art. 46a, Para. 1 and 2. When, given the specific circumstances of the case, it is established 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 36/09; amend. and suppl. – SG 23/13, amend. - SG 97/17) By exception, in case of the circumstances under Para 6 for the accompanied minors or juveniles shall be issued an order for compulsory accommodation in a special hostel for a period of up to three months. In the specialised hosts under Para 7 shall be separated premises for accommodation of minor and juvenile foreigners with conditions suitable for their age and needs. Compulsory accommodation shall not apply as regards to unaccompanied minors and juveniles. The body that has issued the order imposing the coercive administrative measure shall deliver the person to an official of the respective Social Support Directorate, which shall undertake protection measures pursuant to the Child Protection Act.

(10) (new, SG 37/03; suppl. – SG 109/07, in force from 01.01.2008; prev. text of Para 08, amend. - SG 36/09, amend. - SG 97/17) The accommodation of foreigners in the special homes shall be carried out on the grounds of an order for compulsory accommodation, issued by the competent authority under Para. 1, whereby the order shall explicitly state the necessity and the legal grounds for the accommodation, and a copy of the order for the imposed enforcement administrative measure of returning or expulsion shall also be enclosed.

(11) (new, SG 37/03; prev. text of Para 09, amend. - SG 36/09, suppl. - SG 97/16, amend. - SG 97/17) The order of temporary accommodation of the foreigners in the special homes and their units, as well as the organisation and their activity shall be determined by an ordinance of the Minister of Interior.

(12) (new - SG 80/15, in force from 16.10.2015, suppl. - SG 97/16) Accommodation in special homes for temporary accommodation of foreigners shall not be ceased where there are serious grounds for presuming that a foreigner has filed a subsequent application for international protection only in order to delay or hinder the enforcement of a compulsory administrative measures under Art. 39a, para. 1, pt. 2 or 3. The continuation of accommodation shall subject to appeal pursuant to Art. 46a, para 1 - 5.

(13) (New - SG 97/16, amend. - SG 97/17, in force from 06.06.2018) In the cases of a foreigner with identity not yet established, the authority under Para. 1, after an individual assessment of the principles of proportionality, may issue against him an order for short-term accommodation in a unit designed for this purpose of the special facility for temporary accommodation of foreigners for up to 30 calendar days to conduct initial identification and authentication, and to assess subsequent administrative measures which

must be taken. Foreigners suspected of being minors or under age shall be accommodated together with their companions in special areas. Re-accommodation of a foreigner in a separated unit for short-term accommodation in a special home for temporary accommodation of foreigners shall not be allowed.

(14) (New - SG 97/17) The order under Para. 5, which orders the execution of a precautionary measure, may be appealed within 14 days from its issuance pursuant to the Administrative Procedure Code. The appeal shall not stop the execution of the order.

Art. 44a. (1) (New, SG 42/01; prev. text of Art. 44a – SG 23/13) A foreigner with imposed compulsory administrative measure of expulsion shall not be expelled to a country where his life and freedom are endangered and he is subjected to a danger of prosecution, torture or inhuman or humiliating treatment.

(2) (new – SG 23/13) Where the circumstances under para 1 are established by an effective judicial decision the foreigner shall be issued and served an order by the authority that issued the expulsion order which explicitly states the prohibition of expulsion and the country in which the foreigner should not be deported. The order shall not be subject to appeal.

(3) (new – SG 23/13) Foreigners shall appear once a week at the territorial unit of the Ministry of Interior at their place of residence.

(4) (new – SG 23/13, in force from 01.05.2013, amend. - SG 33/16, in force from 21.05.2016) In case a year after the order under para 2 expulsion in a third safe country has not been carried out, the foreigner shall be allowed temporary access to the labour market under the terms and conditions of the Labour Migration and Labour Mobility Act – until implementation of the expulsion.

Art. 44b. (1) (New, SG 42/01; prev. text of Art. 44b – SG 52/07, amend. - SG 97/16) If there is impossibility of immediate expulsion or return of the foreigner or the fulfilment of these measures must be postponed due to reasons of legal or technical nature, the body which has issued the order for imposing compulsory administrative measure shall postpone its fulfilment for a period until the dropping of the obstacles for its fulfilment.

(2) (new – SG 52/07, amend. - SG 97/16) When after expiration of the term of temporary protection under the Asylum and Refugees Act the expulsion or the return of the foreigner is impossible or the performance of these measures must be delayed because of reasons of health or humanitarian character, the authority, who has issued the order for imposing a compulsory administrative measure, shall postpone the fulfilment until dropping of the obstacles for its imposition.

Art. 44c. (\*) (new – SG 9/11) Signal for refusal shall be entered into the Schengen Information System on the grounds of entered into force:

1. refusals , issued on the grounds of Art. 10, Para 1, items 1-4, 11, 14, 16, 20-22 and Art. 26.
2. orders for imposture of compulsory administrative measures under Art. 39a, Items 1-4.

Art. 45. (amend. – SG 29/07) (1) The expenses, related to residence and removal from the Republic of Bulgaria of a foreigner, who has entered the state following an invitation from a physical or legal person, with regards to which it is ascertained that he/she does not meet the legal requirements for residence of foreigners in the Republic of Bulgaria, shall be for the account of the host.

(2) (amend. - SG 12/09, in force from 01.01.2010) In the cases referred to in para 1 the expenses, related to the stay and taking out of a foreigner from the state, shall be collected by the National Revenue Agency following the procedure, provided for in the National Revenue Agency Act.

(3) (new – SG 52/07; amend. - SG 80/15, in force from 16.10.2015) The costs related to taking a foreigner from the country in fulfilment of a decision under the Asylum and Refugees Act for transfer of a

foreigner in the country, competent to consider his application for international protection, shall be at the expense of the state budget.

(4) (New - SG 24/18, in force from 23.05.2018) The employer or the host organization shall bear the costs of returning the illegally staying third-country national.

(5) (New – SG 43/11, in force from 15.06.2011, previous Para. 4 - SG 24/18, in force from 23.05.2018) Expenses, related to the transportation and acceptance back of the EU Blue Card Holder, as well as these of the members of his/her family, issued by another Member State, shall be on the account of the applicant and/or of his/her employer.

Art. 46. (Amend., SG 42/01) (1) (amend. - SG 30/06, in force from 12.07.2006; amend. – SG 29/07) The orders for imposing compulsory administrative measures can be appealed under the conditions and by the order of the Administrative Procedure Code.

(2) (amend. – SG 29/07) The orders for:

1. (suppl. - SG 101/16, in force from 20.12.2016) withdrawal of the right of stay in the Republic of Bulgaria on the grounds under art. 10, para 1, item 1 and 1a;

2. (amend. – SG 23/13; (\*), suppl. – SG 70/13 (\*); suppl. - SG 101/16, in force from 20.12.2016) imposing prohibition to enter and reside in the territory of Member States of the European Union on the grounds under art. 10, para 1, item 1, and 1a and

3. expulsion

(amend. - SG 77/18, in force from 01.01.2019) shall be subject to appeal before the relevant administrative court in accordance with the Administrative Procedure Code. The decision of the court shall be final.

(3) The orders under para 2 shall not indicate the factual grounds for imposing compulsory administrative measure.

(4) The complaint against an order under para 2 shall not stop the fulfilment of the order.

Art. 46a. (new - SG 36/09) (1) (amend. – SG 9/11; amend. – SG 23/13) The order for compulsory accommodation in a special hostel may be appealed within 14 days from the actual accommodation following the procedure laid down in the Administrative Procedure Code.. The appeal shall not suspend the execution of the order.

(2) (amend. – SG 9/11) The court referred to in Para 1 shall consider the appeal in open session and shall deliver a decision within one month from opening the case. The presence of the person shall not be obligatory. The decision of the first instance court may be appealed before the Supreme Administrative Court, the latter shall pronounce within 2 months term.

(3) (amend. - SG 97/16, revoked - SG 97/17)

(4) (suppl. – SG 9/11, revoked - SG 97/17)

(5) (Amend. - SG 97/17) Where the court overturns the appealed order for compulsory accommodation under Para. 1, under Art. 44, Para. 8 or Art. 44, Para. 12, the foreigner shall be immediately released from the special hostel.

(6) (New - SG 97/16) The order for short-term accommodation in a unit within a special temporary accommodation center for foreigners under Art. 44, para. 13 may be appealed under the Administrative Procedure Code before the court about the legality of placement. The appeal shall not suspend the execution of the order. The court shall rule on the appeal immediately.

Art. 46b. (New, SG 42/01; prev. text of Art. 46a - SG 36/09) The state bodies exercising authorised activities in connection with the conditions and the order of entering, stay and leaving the Republic of Bulgaria by the foreigners shall interact with the competent bodies of other countries in the fight against the illegal migration and in carrying out expulsion.

Art. 46c. (new – SG 43/11, in force from 15.06.2011) Where the EU Blues Card is issued by the Republic of Bulgaria, the country shall immediately and without any formality accept back the EU Blue Card holder, as well as the members of his/her family, including cases of expired validity period or deprivation when application has been considered.

Art. 47. (Revoked, SG 42/01)

#### **Section I "a".**

#### **Request for providing assistance in cases of transit for deporting by air of a foreigner outside the territory of the Republic of Bulgaria, addressed by the Ministry of Interior to the competent authorities of another Member State of the European Union (new – SG 29/07)**

Art. 47a. (new – SG 29/07) (1) The bodies of the Ministry of Interior may request assistance from the competent authorities of another Member State of the European Union, in the cases of transit for the purposes of deporting by air of a foreigner outside the territory of the Republic of Bulgaria where direct flight to the country of destination is not possible.

(2) Transit by air may not be requested, if it requires a change of airport on the territory of the other Member State of the European Union, to which is addressed the request for providing assistance.

Art. 47b. (new – SG 29/07) (1) The request shall be sent by the competent authorities of the other Member State of the European Union, whose assistances is being requested, immediately, not later than two days prior to the date of the transit.

(2) Transit by air through the territory of another Member State of the European Union shall be carried out after obtaining authorisation from the competent authorities.

(3) In case the competent authorities of the other Member State of the European Union, to which the request is addressed, do not reply within the deadline referred to in para 1, the transit operations may start after the bodies of the Ministry of Interior notify its competent authorities of the transit realisation.

Art. 47c. (new – SG 29/07) (1) The foreigner shall be admitted forthwith in the territory of the Republic of Bulgaria, if:

1. the transit by air authorisation through the territory of the other Member State of the European Union was refused or revoked;

2. the foreigner entered the territory of the other Member State of the European Union, through which the transit is carried out, without authorisation;

3. deporting of the foreigner to another transit Member State of the European Union or to the country of destination, or boarding of the connecting flight, was unsuccessful;

4. transit by air is not possible for another reason.

(2) The costs related to the returning of the foreigner shall be borne by the Republic of Bulgaria.

#### **Section I "b".**

#### **Providing assistance to the competent authorities of another Member State of the European Union in the cases of transit by air through the territory of the Republic of Bulgaria (new – SG 29/07)**

Art. 47d. (new – SG 29/07) Upon submitted request the bodies of the Ministry of Interior may provide assistance to the competent authorities of another Member State of the European Union regarding

transit by air of a foreigner through the territory of the Republic of Bulgaria.

Art. 47e. (new – SG 29/07) (1) The bodies of the Ministry of Interior shall notify the competent authorities of the other Member State of the European Union which have addressed the request for providing assistance, of the decision for carrying out transit, as well as of the possibility some of the measures under Art. 47g to be undertaken within two days term from receiving the request.

(2) In exceptional cases time limit may be extended for a maximum of two days. The necessity of the extension shall be duly justified.

(3) In case the bodies of the Ministry of Interior do not notify the competent authorities of the other Member State of the European Union, which have addressed the request, of the realization of the transit within the term under para 1 or 2, the transit operations may start after notification by the competent authorities of the other Member State of the European Union.

Art. 47f. (new – SG 29/07) (1) At carrying out transit through the territory of the Republic of Bulgaria the foreigner may be escorted by persons, authorised thereof according to the legislation of the other Member State of the European Union, whose competent authorities have addressed the request for transit.

(2) The persons, escorting the foreigner, shall be entitled to provide cooperation to the bodies of the Ministry of Interior in order to prevent an escape of the foreigner, causing self-injuries, injuries to third persons or damages to someone else's property.

(3) The persons who escort the foreigner shall be obliged to:

1. undertake the necessary actions in order to prevent the circumstances referred to in para 2 in the cases where it is impossible for the bodies of the Ministry of Interior to exercise their powers; in those cases the persons escorting the foreigner shall be obliged to observe the laws of the Republic of Bulgaria;

2. present their identity documents, as well as the transit authorisation or the notification under Art. 47e, para 3, upon request by the bodies of the Ministry of Interior.

(4) The persons who escort the foreigner may not carry a gun and uniform.

Art. 47g. (new – SG 29/07) (1) The bodies of the Ministry of Interior shall provide assistance in carrying out transit by implementation of one or several of the following measures:

1. meeting the foreigner at the aircraft and escorting him/her within the confines of the transit airport security zone;

2. providing emergency medical care to the foreigner and, if necessary, his/her escort;

3. providing sustenance for the foreigner and, if necessary, his/her escort;

4. receiving, keeping and forwarding travel documents;

5. informing the requesting Member State of the place and time of departure of the foreigner from the territory of the Republic of Bulgaria, in the cases of transit without escort by authorised persons;

6. informing the competent authorities, which have addressed the request for transit, if any serious incidents took place during the transit of the foreigner.

(2) Within available means and in compliance with relevant international standards, the bodies of the Ministry of Interior, following mutual consultations with the competent authorities of the other Member State of the European Union, which have addressed the request for assistance, shall provide all the assistance measures necessary from landing and the opening of the aircraft doors until it is ensured that the foreigner has left, except for the cases referred to in para 1, item 2, where mutual consultations are not required.

(3) In case it turns out that it is not possible to carry out the transit and the foreigner has to be re-admitted by the other Member State of the European Union, whose competent authorities have addressed the request, the bodies of the Ministry of Interior shall provide assistance thereof.

Art. 47h. (new – SG 29/07) The bodies of the Ministry of Interior shall undertake all measures necessary so that the transit operation takes place in the shortest possible time, not exceeding 24 hours.

Art. 47i. (new – SG 29/07) (1) 6. The costs of the assistance provided regarding transit by air of a foreigner through the territory of the Republic of Bulgaria shall be borne by the other Member State of the European Union, whose competent authorities have addressed the request for transit.

(2) The bodies of the Ministry of Interior shall provide information with regard to the costs referred to in para 1 to the competent authorities of the other Member State of the European Union.

Art. 47j. (new – SG 29/07) (1) The assistance for carrying out the transit referred to in Art. 47d may be refused, in case

1. the foreigner is accused of committing a crime according to the Bulgarian legislation or with regards to him/her there is entered into force sentence, subject to execution in the Republic of Bulgaria;

2. the foreigner poses a serious danger to public security and order, public health or the relations of the Republic of Bulgaria with other states or international organizations;

3. in the cases where transit through other states to the country of destination is impossible, or it is not possible the foreigner to be admitted in the country of destination;

4. a change of airport on the territory of the Republic of Bulgaria is required;

5. the assistance for transit by air may not be refused on the fixed date for other reasons; in these cases the bodies of the Ministry of Interior shall inform the competent authorities of the other Member State of the European Union of a date as close as possible to the originally requested date on which transit by air may be assisted.

(2) The bodies of the Ministry of Interior may refuse assistance for transit under Art. 47d if the grounds of refusal have been learned after consent for carrying out the transit was granted.

(3) The bodies of the Ministry of Interior shall immediately notify the competent authorities of the other Member State of the European Union, who have addressed the request for transit, of the refusal of carrying out transit as well as the reasons for that.

## **Section II.**

### **Administrative punitive provisions**

Art. 48. (1) With a fine from 500 to 5 000 lv shall be punished a foreigner who:

1. has been expelled and enters the country;

2. (amend. - SG 26/08; amend. – SG 43/11, in force from 15.06.2011, amend. - SG 24/18, in force from 23.05.2018) without the corresponding permission or registration implements commercial or other activity;

3. has stayed in the country after the elapse of the term of stay.

(2) (amend. - SG 26/08; amend. and suppl. – SG 43/11, in force from 15.06.2011, repealed - SG 24/18, in force from 23.05.2018)

(3) (suppl. – SG 43/11, in force from 15.06.2011, amend. - SG 24/18, in force from 23.05.2018) When the breaches of para 1 are done for second time the imposed fine shall be from 1 000 to 10 000 lv and to the corporate bodies – in amount from BGN 4 000 up to BGN 40 000 .

Art. 48a. (New, SG 42/01, revoked - SG 33/16, in force from 21.05.2016)

Art. 48b. (new, SG 11/05) (1) A natural person who does not fulfill his obligations under Art. 28

shall be sanctioned with a fine from 100 to 1000 BGN.

(2) A legal person which does not fulfill its obligations per Art. 28 shall be sanctioned with a property sanction from 500 to 5000 BGN.

(3) In cases of repeat violation per Para 2, the legal person shall be sanctioned with a property sanction from 1 000 to 10 000 BGN.

Art. 48c. (new – SG 43/11, in force from 15.06.2011, amend. - SG 24/18, in force from 23.05.2018)

Art. 49. (1) With a fine up to 3 000 lv shall be punished a foreigner who:

1. (amend. - SG 97/16) uses invalid passport or another document for travelling substituting it;
2. (suppl., SG 42/01; amend. – SG 82/06; suppl. - SG 36/09) loses, damages or demolishes Bulgarian identity document, residence permit or documents issued by the services for border passport-visa control;
3. as captain or member of the crew of a sailing vessel does not observe the established border and passport regime of ports and port towns;
4. (amend. – SG 29/07) does not implement his obligations of art. 17, para 2 and of art. 30;
5. (amend. – SG 82/09) gives or accepts as pawn or concedes a personal document.

(2) When the breaches of para 1 are done for second time shall be imposed fine from 1 000 to 6 000 and to the corporate bodies shall be imposed proprietary sanction of 20 000 lv.

Art. 49a. (new – SG 23/13) (1) Any captain of a vessel who does not announce to border control authorities passengers without tickets aboard till arrival at a port, shall be punishable with a fine amounting from 3000 to 6000 lv.

(2) Any captain of a vessel, ship-owner or ship agent who allows foreigners on the territory of the state of foreigners who do not hold the documents required under Art. 8, shall be punishable with a fine amounting from 6000 to 10 000 lv per each person admitted ashore.

Art. 50. (1) Punished with a fine amounting up to 500 lv shall be a foreigner who:

1. (amend. – SG 9/11, amend. - SG 97/17) does not fulfil his obligations under art. 44, para 5, item 1;
2. has gravely violated the established order in the zone of border control of a border check point;
3. (amend. – SG 23/13) does not observe the terms for transit passing through the country.

(2) When the breaches of para 1 are done for second time shall be imposed a fine from 200 to 1 000 lv.

Art. 51. (amend., SG 37/03; amend. – SG 29/07, amend. - SG 97/16) A carrier, who does not fulfil his obligations under art. 20 shall be punished with a fine or a proprietary sanction amounting from 2 000 to 10 000 levs per each transported person.

Art. 51a. (new – SG 63/07; revoked - SG 15/16)

Art. 52. (1) In the cases when for breach of this Act and of the regulation promulgated pursuant to it no other sanction is provided, the guilty one shall be punished with a fine up to 500 lv.

(2) In insignificant cases shall be imposed a fine according to art. 39, para 2 of the Administrative Violations and Penalties Act.

Art. 53. (1) (Suppl., SG 112/01, in force from 01.01.2002, amend. - SG 33/16, in force from 21.05.2016) The breaches of this Act shall be ascertained with an act compiled by the bodies of the Ministry of Interior and in the cases of art. 24a - by the bodies of the Ministry of Labour and Social Policy.

(2) On the basis of the compiled acts the Minister of Interior and the Minister of Labour and Social Policy or officials empowered by them shall issue punitive decisions.

(3) The compilation of the acts, the issuing, appealing and implementation of the punitive decisions shall be implemented by the order of the Administrative Violations and Penalties Act.

### **Chapter six.**

## **INFORMATIONAL ACTIVITY OF THE SERVICE FOR ADMINISTRATIVE CONTROL OF FOREIGNERS IN THE REPUBLIC OF BULGARIA (new, SG 37/03)**

Art. 54. (new, SG 37/03) (1) (amend. – SG 9/11) The Ministry of Foreign Affairs shall maintain a Single Register for foreigners, containing data about the extended, long-term and permanently residing foreigners.

(2) For the purpose of fulfilment of the legally established functions of the services for administrative control of the foreigners at the Ministry of Interior data shall be processed regarding:

1. the visa control of foreign citizens;
2. the border control of passing foreign citizens;
3. (amend. - SG 80/15, in force from 16.10.2015) the foreigners seeking or having received protection on the territory of the Republic of Bulgaria;
4. the address registration of short-term staying foreigners;
5. the imposed administrative penalties and measures for administrative compulsion regarding foreigners;
6. the acquisition, losing and restoration of Bulgarian citizenship.

(3) (new, SG 103/03; taking effect in three months from the promulgation of this Act in the State Gazette; amend. – SG 82/06; amend. – SG 69/08; amend. – SG 53/14; amend. - SG 14/15) The services for administrative control of the foreigners shall be obliged to produce, in due time, at Migration Directorate the whole information under para 2.

(4) (prev. para 3 – SG 103/03; taking effect in three months from the promulgation of this Act in the State Gazette) The services for administrative control of the citizens at the Ministry of Interior shall process the following data:

1. the names in Cyrillic and Roman alphabet, date of birth, place of birth, sex, citizenship;
2. united citizen's 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 travelling abroad (type, series, number, date, place of issuance and validity term);
6. purpose of stay in the Republic of Bulgaria;
7. visa (type, number, date and place of issuance, validity and term of stay);
8. grounds of permitting the stay in the Republic of Bulgaria;
9. applications for permitting long-term stay (number, date, decision);
10. (amend. - SG 80/15, in force from 16.10.2015) permits for acquiring 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 under 18 years of age;
15. permanent address in the country whose citizen the person is;
16. edict of the President of the Republic of Bulgaria for change of the citizenship;



17. entries and exits to and from the Republic of Bulgaria;
18. host;
19. tourist vouchers;
20. profession and place of employment;
21. imposed compulsory administrative measures;
22. official data;
23. (new – SG 29/07) biometric data – photos and 10-finger prints
24. (prev. text of item 23 – SG 29/07) other data stipulated by a law.

(5) (new – SG 109/07, in force from 01.01.2008) State Agency "National Security" shall use the information from the register under Para 1 for performance of its legal function according to order specified in a joint ordinance of the Minister of Interior and the Chairman of the Agency.

Art. 55. (new, SG 37/03) (1) The data from the Single Register for foreigners shall be submitted to:

1. state bodies and organisations on the grounds of a law or an act of the judicial authority;
2. Bulgarian citizens and foreigners - only if the data regard them;
3. Bulgarian and foreign corporate bodies on the grounds of a law or by an act of the judicial authority;
4. services of other countries - in compliance with the international contracts party to which is the Republic of Bulgaria;
5. ESGRAON.

(2) The Bulgarian citizens and the foreigners shall have the right to receive information stored in the data funds regarding third persons only on the grounds of a law or an act of the judicial authority.

(3) (amend. - SG 30/06, in force from 12.07.2006) The refusal to submit data from the Single Register for the foreigners may be appealed by the order of the Art. 46.

Art. 56. (new, SG 37/03; amend. and suppl. – SG 109/07, in force from 01.01.2008, amend. - SG 97/16) The Ministry of Interior, the State Agency for National Security and the Ministry of Foreign Affairs shall exchange information in order to impose restrictions for entering the Republic of Bulgaria and to coordinate applications for issuing visas to foreigners.

Art. 57. (new, SG 37/03; suppl. – SG 109/07, in force from 01.01.2008, suppl. - SG 33/16, in force from 21.05.2016) The Ministry of Interior and State Agency "National Security" shall carry out exchange of data with the Ministry of Labour and Social Policy and State Agency "National Security" in connection with the issuance of work permits to foreigners and with the issuance of permits for free-lance activity by foreigners within the meaning of the Labour Migration and Labour Mobility Act.

Art. 58. (new, SG 37/03; suppl. – SG 109/07, in force from 01.01.2008; amend. – SG 82/09; amend. - SG 80/15, in force from 16.10.2015) The Ministry of Interior shall carry out informational exchange with the State Agency "National Security" and State Agency for the foreigners in connection with the issuance of Bulgarian personal documents to the foreigners seeking or having obtained protection, and for carrying out proceedings for granting protection according to the Asylum and Refugees Act.

Art. 59. (new, SG 37/03) (1) (suppl. – SG 109/07, in force from 01.01.2008) The Ministry of Interior and State Agency "National Security" shall carry out data exchange with the bodies of the judicial authority in connection with the fulfilment of its functions related to the imposing and revoking of compulsory administrative measures.

(2) (amend. and suppl. – SG 109/07, in force from 01.01.2008) The Ministry of Interior and State Agency "National Security" shall carry out interaction with the Ministry of Justice regarding foreigners who

have released from the places of detention and persons applying for acquiring, restoring of or release from Bulgarian citizenship.

Art. 60. (1) (new, SG 37/03; prev. text of Art. 60 – SG 109/07, in force from 01.01.2008; suppl. - SG 36/09; suppl. – SG 9/11) ) The Ministry of Interior shall carry out interaction and data exchange with ESGRAON and with the municipal administrations in connection with the issuance of Bulgarian identification documents, residence permits and with the administrative servicing of long-term or permanently staying foreigners.

(2) (new – SG 109/07, in force from 01.01.2008l suppl. – SG 9/11) State Agency "National Security" shall cooperate and exchange information with ESGRAON and with the municipal administrations in relation to the administrative service of long-term or permanently staying foreigners.

Art. 61. (new, SG 37/03; amend., SG 103/03 – taking effect in three months from the promulgation of this Act in the State Gazette) The Ministry of Foreign Affairs shall keep a register containing the data under art. 54, para 4, as well as data for applications filed by foreigners for issuance of visas and restrictions imposed by the order of art. 21a by the Minister of Foreign Affairs.

### **Additional provisions**

§ 1. Within the meaning of this Act:

1. (revoked. – SG 9/11)

1a. (new – SG 9/11) "Family reunion" is the entry and residence in a Member States of the family members of a foreigner, who resides legally in that Member State, with the purpose to keep the union of the family, regardless of whether the family relations have originated prior to or after the entry of such persons.

1b. (new – SG 9/11, suppl. - SG 33/16, in force from 21.05.2016) "First Member State" is a Member State, who granted for the first time long-term residence statute, or a Member State who first grants "EU Blue Card" to the foreigner or a permit to a person transferred during intra-corporate transfer.

1c. (new – SG 9/11) "Second Member State" is any of the Member States, different than the First Member State.

1d. (new – SG 9/11) "EU Blue Card" is a permit, containing the mark "EU Blue Card", which entitles the holder to reside and work on the territory of a Member State of the European Union for the purposes of highly skilled employment.

1e. (New - SG 70/13) "Single residence and work permit" is a document with the indication "Single residence and work permit" which allows foreign nationals from third countries to reside and work within the territory of the Republic of Bulgaria.

1f. (New - SG 70/13) "Single application procedure" is the procedure related to taking a decision upon a single application for a third-country national residence and work permit submitted by an employer.

1g. (New - SG 33/16, in force from 21.05.2016) "Permit to a person transferred during intra-corporate transfer" is the permit marked "ICT - intra-corporate transfer", which entitles the holder to reside and work in the Republic of Bulgaria as the First country - member of the European Union, for the purpose of intra-corporate transfer, issued to the worker - a third-country national, subject to the single application procedure.

1h. (New - SG 33/16, in force from 21.05.2016) "Permit for mobility in intra-corporate transfer" is the permit marked "mobile ICT - mobility in ICT" which entitles the holder to reside and work in the Republic of Bulgaria as a Second country - member of the European Union, for the purposes of intra-corporate transfer.

1i. (New - SG 33/16, in force from 21.05.2016) "Seasonal worker permit" is the permit marked

"seasonal worker" which entitles its holder to reside and work in the territory of a Member State - member of the European Union, for the purposes of seasonal work.

1j. (new - SG 24/18, in force from 23.05.2018) "Union Program or multilateral program providing for training in more than one country Member State" means a program funded by the European Union or its Member States, to promote the mobility of foreigners within the EU or on the territory of the respective Member States participating in the relevant program.

2. (amend. – SG 9/11) "Systematic breach" is at hand when in one year the foreigner has committed more than two breaches.

3. (Suppl., SG 42/01, amend. - SG 97/16) "Passport or a valid document for travel substituting it" is the one issued by the lawfully established order of the corresponding state, on which visa can be affixed and which entitles the foreigner to return to the country from which he comes, to the country of origin or to a third country, the photo in it permits to be established the identity of its holder, does not contain corrections, crossing, deletions, additions etc. in the data, there are no traces of changing of the photo, the seals are clear, the image of the photo coincides with the appearance of the holder and the term of validity has not elapsed.

3a. (new - SG 36/09) "Residence permit" shall mean any authorisation issued by the competent authorities of the Ministry of Interior in compliance with the uniform format, determined in 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 43/11, in force from 15.06.2011) "Illegally residing foreigner" shall be any foreigner- a citizen of a third country, who is on the territory of the Republic of Bulgaria but does not meet or does not meet any more the conditions to stay or reside.

4. (amend. – SG 23/13) "Return" shall be an action related to voluntary or involuntary fulfilment of an obligation to return of a foreigner to his or her country of origin or to a transit country in compliance with agreement between the EU with a third country or with bilateral readmission agreements or with other agreements, or in a third country where the foreigner voluntarily decides to return and where he or she will be admitted.

4a. (new - SG 36/09) "Voluntary departure" shall mean the performance of the obligation of the foreigner to return within the time limit, specified for that purpose in the order for imposing a compulsory administrative measure.

4b (new – SG 9/11) "Vulnerable persons" are the persons of minor or juvenile age, disabled persons, old persons, pregnant women, single parents with children of minor or juvenile age, and persons who have been subject to torture, rape or other serious forms of psychic, physical or sexual abuse (assault).

4c. (new – SG 9/11; amend. and suppl. – SG 23/13) "Danger of abscond regarding a foreigner whom a compulsory administrative measure under Art. 39a, para 1, Items 2 and 3 was imposed to" presents in the cases, where, on the base of factual data, a grounded presumption that the envisaged person will make an attempt to evade execution of the imposed measure. In this regard, the following may be deemed as such-like factual data: the person cannot be found on the residence address announced, previous public order disturbances on previous convictions of the person, regardless of rehabilitation, the person has not left the country within the prescribed term for voluntary redundancy, the person clearly showed that he or she would not comply with the imposed measure, holds forged documents or no documents, has supplied incorrect information, has already absconded, has not complied with prohibition of entry, etc.

5. "Services for administrative control of foreigners" are normatively determined state bodies which have powers under this Act.

6. (New, SG 42/01) "Person of Bulgarian origin" is a person of whom at least one of the ascending is Bulgarian.

7. (New, SG 42/01; amend. – SG 29/07)) "Extraordinary circumstances" shall be elemental and natural calamities, breakdowns, accidents, robberies and circumstances, which have led to providing emergency medical care, as well as other events having occurred beyond the will of the foreigner which he/she could not have been able to foresee or prevent.

7a. (new – SG 63/05) "Common European Community" shall be an economic community which includes the Member States of the European Union, Iceland, Liechtenstein and Norway.

8. (New, SG 42/01) "School" is a general education establishment in the context of the legislation of the country where the student is staying.

9. (New, SG 42/01; amend., SG 112/01; amend. - SG 9/11;suppl. – SG 43/11, in force from 15.06.2011) "Free-lance activity" is every economic activity, with exception of the activity under Art. 24a, Para 1, item 2 and Art. 25 carried out in personal quality without commitment to an employer.

10. (new, SG 37/03) "Actual cohabitation" is present when the persons live in one household and live on matrimonial basis;

11. (new, SG 37/03) "Carrier" is an individual or a corporate body who, according to his national legislation has the right to carry out transportation by land, air or water, by a vehicle designated for carrying out such an activity.

12. (new – SG 9/11) "Trade intermediary" is a private administrative agency, transport company or tourist agency (tour- operator or final vendor).

13. (new – SG 23/13, in force from 01.05.2013; amend. - SG 80/15, in force from 16.10.2015) "International protection" a concept within the meaning of the Asylum and Refugees Act

14. (new – SG 23/13, amend. - SG 97/16) "Reasonable doubt" within the meaning of Art. 10, para 1, item 24 shall be doubts regarding the risk of illegal migration, as from the interview and documents presented it is established that the candidate uses the trip purposes as a pretext for illegal residence on the territory of the Republic of Bulgaria or where there is a contradiction between the statements made and the intention to leave the country within the authorized period of stay.

15. (New - SG 97/16) "State interest" exists when not allowing the foreigner into the country or them not leaving it may seriously harm the international relations of the Republic of Bulgaria, and this to be confirmed in writing by the Minister of Foreign Affairs or by officials authorized by him/her.

16. (new - SG 97/16) "Humanitarian reasons" exist when not allowing the foreigner into the country or them not leaving the Republic of Bulgaria shall create a serious danger to their health or life due to objective circumstances, or to the integrity of their family, or the best interest of the family or of the child require their admission or stay in the country.

17. (new - SG 97/16) "Biometric data" are digital images of the face and ten fingerprints which are collected and used to verify the claimed identity or to identify and verify the actual identity.

18. (new - SG 97/16) "Cancellation of a visa" is a decision of a competent authority to invalidate a permit to enter and reside in the Republic of Bulgaria, or for an airport transit when it is subsequently found that there were no conditions present for granting it, as well as if there is evidence that the visa was fraudulently obtained.

19. (new - SG 97/16) "Revoking a visa" is the decision of the competent authority to declare invalid a permit to enter and reside in the Republic of Bulgaria or an airport transit permit, when the conditions for issuing the visa were dropped or at the written request of the person, to whom it was issued.

20. (new - SG 97/17) "Evidence of secured home" shall be documents as follows:

1. notarial deed or other document proving the ownership or use of the property;
2. a notary certified declaration by the owner for providing a residence address - upon submission of a lease.

21. (new – SG 14/18) "Dependent person" is the spouse of a serviceman or of a member of the civilian component of a NATO structure located in the Republic of Bulgaria, as well as the persons, to whom the serviceman or the member of the civilian component exercises parental, guardianship or custody rights, or is required to provide maintenance under the legislation of the sending State.

§ 2. For issuing visas, permissions for stay and other documents of this Act shall be collected fees determined with an act of the Council of Ministers.

### **Transitional and concluding provisions**

§ 3. this Act shall repeal the Stay of foreigners in the Republic of Bulgaria Act (prom. SG 93/72; amend. and suppl. SG 36/79, SG 17/87, SG 26/88, SG 53/89, SG 27/94, SG 120/97, SG 11, 93/98).

§ 4. In art. 9, para 2 of the Foreign Investments Act (prom. SG 97/97; corr. SG 99/97; amend. SG 29/98) after the words "The Minister of Interior" shall be added "or officials empowered by him".

§ 5. The Council of Ministers shall issue regulation for the implementation of this Act.

§ 6. The implementation of the Act shall be assigned to the Minister of Foreign Affairs, the Minister of Interior and the Minister of Labour and Social Policy.

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The Act is passed by the 38th National Assembly on November 11, 1998 and on December 15, 1998 and is affixed with the official seal of the National Assembly.

### **Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE**

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 139. In the Foreigners in the Republic of Bulgaria Act (prom. - SG 153/98; amend. - SG 70/99; 42 and 112/01; 45 and 54/02; 37 and 103/03; 37 and 70/04; 11, 63 and 88/05) the words "Law of the administrative procedure" shall be replaced by "Administrative procedure code".

.....

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4§ 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

### **Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE SOCIAL INSURANCE**

(PROM. – SG 82/06)

§ 14. In the Foreigners in the Republic of Bulgaria Act (Prom. SG 153/ 1998; amend. SG 70/1999, SG 42 and 112/ 2001, SG 45 and 54/2002, SG 37 and 103/2003, SG 37 and 70/2004, SG 11, 63 and 88/2005, 30/ 2006) the following amendments shall be made:

1. The words "border passport control" shall be replaced everywhere by "border passport-visa control "

#### **Concluding provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT**

(PROM. – SG 63/05)

§ 6. Paragraph 1, § 2, item 1 and § 4 shall enter in force from 1 January 2006.

#### **Additional provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT**

(PROM. – SG 29/07)

§ 40. This Act shall introduce the requirements of Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air, Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third-country nationals.

#### **Additional provisions**

### **TO THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT**

(PROM. - SG 63/07)

§ 4. The Act shall implement the provisions of Council Directive 2004/82/EC on the obligation of carriers to communicate passenger data and Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research.

#### **Transitional and concluding provisions**

### **TO THE STATE AGENCY FOR NATIONAL SECURITY ACT**

§ 44. The Act shall enter into force from 1 January 2008.

#### **Transitional and concluding provisions**

### **TO THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS ACT**

(PROM. - SG 13/08, IN FORCE FROM 08.02.2008)

§ 16. The Act shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE TAX-INSURANCE PROCEDURE**  
**CODE**

(PROM. – SG 12/09, IN FORCE FROM 01.05.2009; SUPPL. - SG 32/09)

§ 68. (suppl. - SG 32/09) this Act shall enter into force from 1 May 2009 except § 65, 66 and 67, which shall enter into force from the date of promulgation of the State Gazette Act and § 2 - 10, § 12, Items 1 and 2 - regarding Para 10 and 11, Item 8, Letter "a", Items 9 and 12 and § 53 - 64, which shall enter into force from 1 January 2010.

**Additional provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF**  
**BULGARIA ACT**

(PROM. - SG 36/09)

§ 16. This Act shall implement 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 from 24 December 2008).

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF**  
**BULGARIA ACT**

(PROM. - SG 36/09)

§ 17. The pending administrative procedures for issuing a permit for permanent stay on the grounds of Art. 25, Para 1, Items 6, 7 and 8 and of the members of their families in the sense of § 1, Item 1 from the Additional Provisions shall be finalized under the hitherto effective order.

**Concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE VOCATIONAL EDUCATION AND**  
**TRAINING ACT**

(PROM. – SG 74/09, IN FORCE FROM 01.10.2009)

§ 48. The Act shall enter into force from the date of its promulgation in the State Gazette, except for § 1, which shall enter into force from the 15th of September 2009 and § 47, which shall enter into force from the 1st of October 2009.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT**

(PROM. – SG 93/09, IN FORCE FROM 25.12.2009)

§ 100. The Act shall enter into force one month after its promulgation in the State Gazette, except

for § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the day of its promulgation.

**Transitional and concluding provisions**

**TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT**

(PROM. – SG 9/2011, AMEND. – SG 56/18)

§ 49. (1) Pending procedures on the issuance of residence permits shall be finalized following the procedure existing so far.

(2) Within three months from the entering into force of this Act, effect of the imposed with orders under the repealed Para 2 of Art. 43 shall be terminated.

(3) Pending procedures under Art. 46a shall be finalized under the procedure existing so far.

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§ 65. (amend. – SG 56/18) Paragraph 8, Item 8, letter "e" (regarding Art. 10, Para 1, item 19) and item 3; § 21, item 3 (regarding Art. 26, Para 6); § 38, item 2; § 43 and § 51, Items 4 and 5 shall be applicable after the entering into force a decision of the Council on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

§ 66. Paragraph 18 regarding Art. 24f, Para 3, sentence 2; § 35; § 38, item1, letter "f" (regarding Art. 40, Para1, items 11 and 12) and § 50, item 1 (regarding item 1a, sentence 2) and item 2 (regarding items 7 and 8) shall enter into force on 1st of June 2011.

**Transitional and concluding provisions**

**TO THE ACT AMENDING AND SUPPLEMENTING THE EMPLOYMENT PROMOTION ACT**

(PROM. – SG 43/2011, IN FORCE FROM 15.06.2011)

§ 21. This Act shall enter into force from 15th of June 2011, except for § 5, which shall enter into force from 1st of July 2011 and § 16 which shall enter into force from 1st of January 2011.

**Transitional and concluding provisions**

**TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT**

(PROM. – SG 44/12, IN FORCE FROM 01.07.2012)

§ 54. (1) The set up by this Act General Directorate "National Police" shall be a legal successor of the assets, liabilities, rights and obligations of General Directorate "Criminal police" and of General Directorate "Security police".

(2) Procedural representation in pending disputes of General Directorate "Criminal Police" and General Directorate "Security police" shall be carried out by the Director of General Directorate "National police".

§ 55. Upon entering of this Act into force the existing official and employment legal relations of state servants and of persons working under employment agreements in General Directorate "Criminal



police" and in General Directorate "Security police" shall be transformed respectively into official and employment legal relations of state servants and of persons working under employment agreements in General Directorate "National police".

§ 56. The issued secondary regulatory acts prior to enforcement of this Act shall be applied until the issuance of respective new acts, as long as they do not conflict therewith.

§ 57. The years of service, accumulated according to the Law for the civil servant and the Labor Code by the employees under § 64 of the Transitional and Concluding provisions of the Law amending and supplementing the Ministry of Interior Act (SG 93/09) shall be acknowledged as years of service for the same employer, respectively appointing body.

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§ 70. This Act shall enter into force from July 1, 2012.

#### **Transitional and concluding provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE INVESTMENT PROMOTION ACT**

(PROM. - SG 16/13)

§ 31. Pending administrative proceedings for issuance of permanent residence permits on the ground of the repealed item 7 of Art. 25, para 1 of the Foreigners in the Republic of Bulgaria Act shall be completed pursuant to the previous procedures.

#### **Additional provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT**

(PROM. – SG 23/13, AMEND. – SG 56/18)

§ 33. This Act introduces 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 (OB, L 132/1 of May 19, 2011).

#### **Transitional and concluding provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT**

(PROM. – SG 23/13, AMEND. – SG 56/18)

§ 35. (amend. – SG 56/18) 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 decision of the Council on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

§ 36. Paragraph 12, item 2, § 14, item 2 and 3, § 15, 18, 19, § 27, item 2 regarding Art. 44a, para 4,

§ 32, item 3 regarding § 1, item 13 of the Additional provisions and § 34 shall enter into force as of May 1, 2013.

**Transitional and concluding provisions**

**TO THE ACT AMENDING AND SUPPLEMENTING THE NATIONAL SECURITY AGENCY  
ACT**

(PROM. – SG 52/13, IN FORCE FROM 14.06.2013)

§ 27. The act shall enter into force from the day of its promulgation in State Gazette.

**Concluding provisions**

**TO THE ACT AMENDING AND SUPPLEMENTING THE YOUTH ACT**

(PROM. – SG 68/13, IN FORCE FROM 02.08.2013)

§ 55. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Concluding provisions**

**TO THE ACT AMENDING AND SUPPLEMENTING THE EMPLOYMENT PROMOTION ACT**

(PROM. – SG 70/13, AMEND. – SG 56/18)

§ 22. (In force from 24.12.2013) The Foreigners in the Republic of Bulgaria Act introduces 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, § 20, item 2 and 3, § 21, item 1, 3, 4 and 7, § 22 and 23 shall enter into force from December 24, 2013.

(2) (amend. – SG 56/18) Paragraph 21, item 6, 8, item 9, sub-letter "b", item 10, sub-letter "a" and sub-letter 11 shall enter into force from the date of entry into force of the decision of the Council on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

**Concluding provisions**

**TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF  
BULGARIA ACT**

(PROM. – SG 108/13)

§ 4. This Act shall also apply to applications for Bulgarian citizenship by naturalization, submitted prior to entry into force thereof. Този закон се прилага и за молбите за придобиване на българско гражданство по натурализация, подадени до влизането му в сила.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PROHIBITION OF**  
**CHEMICAL WEAPONS AND ON CONTROL OF TOXIC CHEMICAL AGENTS AND THEIR**  
**PRECURSORS**

§ 29. Everywhere in the Foreigners in the Republic of Bulgaria Act the words "the Ministry of Economy, Energy and Tourism" shall be replaced by "the Ministry of Economy".

**Transitional and concluding provisions**  
**TO THE PRE-SCHOOL AND SCHOOL EDUCATION ACT**

(PROM. - SG 79/15, IN FORCE FROM 01.08.2016)

§ 60. This Act shall enter into force from 1st August 2016, with the exception of:

1. Art. 22, para. 2 it. 3, 4 and 13 and para. 3, Chapter Six, Sections I, II and III and § 58, which shall enter into force one month after the promulgation of the Act in the "State Gazette"
2. Chapter Seven, which shall enter into force two months after the promulgation of the Act in the "State Gazette"
3. Chapter Sixteen, which shall enter into force on January 1, 2017;
4. § 46 it. 1, letter "a", which shall enter into force on August 1, 2022.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ASYLUM AND REFUGEES ACT**

(PROM. - SG 80/15, in force from 16.10.2015)

§ 78. In the Foreigners in the Republic of Bulgaria Act shall be made the following amendments and supplements:

6. Everywhere in the Act the word "special" shall be deleted.

§ 83. The Act shall enter into force from the date of its promulgation in the State Gazette, except for § 40, which shall enter into force from January 1, 2016.

**Transitional and concluding provisions**  
**TO THE LABOUR MIGRATION AND LABOUR MOBILITY ACT**

(PROM. - SG 33/16, IN FORCE FROM 21.05.2016)

§ 8. This Act shall enter into force on 21 May 2016 except for Section VIII of Chapter Two, which shall enter into force on 1 January 2017.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF**  
**BULGARIA ACT**

(PROM. - SG 97/16)

§ 52. (1) The certificates for traveling abroad issued prior to the enactment of this act to a stateless person shall be valid until the expiration of the term, for which they were issued.

(2) The certificates for traveling abroad of a stateless person issued after the entry into force of this Act shall be in the current model, approved by an act of the Council of Ministers.

§ 53. Outstanding proceedings prior to the entry into force of this act, except for the proceedings for issuing a "certificate for traveling abroad of a stateless person", shall be completed under the order prevailing hitherto.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE BULGARIAN PERSONAL**  
**DOCUMENTS ACT**

(PROM. - SG 101/16, IN FORCE FROM 01.01.2018)

§ 21. The Act shall enter into force on 1 of January 2018, except for § 12, 13, 16, 19 and 20, which shall enter into force from the day of the promulgation of this Act in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT**

§ 54. Court proceedings initiated and not concluded until the entry into force of this Act under the revoked Para. 3 and 4 of Art. 46a of the Foreigners in the Republic of Bulgaria Act shall be considered under the previous order.

§ 55. Proceedings for issuing decisions and issuing residence and work permits for third-country nationals under the Foreigners in the Republic of Bulgaria Act and the Labour Migration and Labour Mobility Act, which have been initiated and have not been completed before the enactment of this act, shall be completed according to the previous order.

§ 56. (1) Paragraphs 4, 6, 11, 12, 14, § 34, item 1, letter "b" and item 2, § 40, 41, § 51, item 1, item 2 regarding sentence two, item 7, letter "b" and item 12, letter "b" and § 52, shall enter into force on January 1<sup>st</sup>, 2018.

(2) Paragraph 44, item 11, shall enter into force on January 1<sup>st</sup>, 2017.

(3) Paragraph 45, item 4 shall enter into force on August 1<sup>st</sup>, 2017.

(4) Paragraph 47, item 2 and item 14, letter "d", § 51, item 2 regarding sentence one, item 3, letter "b" and item 14, letter "a" regarding item 68, shall enter into force 6 months after the promulgation of the act in the State Gazette.

**Concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR MIGRATION AND**  
**LABOUR MOBILITY ACT**

(PROM. - SG 24/18, IN FORCE FROM 23.05.2018)

§ 55. This Act shall enter into force on May 23, 2018.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE**  
**CODE**

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;

2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;

3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

### **Relevant European Union Legislation**

Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999 establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Council Directive of the Council of 29 October 1993 on the right of residence for students.

Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity

Council Directive 90/364/EEC of 28 June 1990 on the right of residence

Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services

Council Directive 72/194/EEC of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State after having been employed in that State the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health

Council Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health

Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community

Council Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas

Council Regulation (EEC) No 2434/92 of 27 July 1992 amending Part II of Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community

Council Regulation (EC) No 2317/95 of 25 September 1995 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States

Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas

Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State

Council Decision of 3 December 1998 on common standards relating to filling in the uniform format for residence permits

Council Decision of 16 December 1996 on monitoring the implementation of instruments adopted by the

Council concerning illegal immigration, readmission, the unlawful employment of third country

nationals and cooperation in the implementation of expulsion order

Commission Decision of 8 June 1988 setting up a prior communication and consultation procedure on migration policies in relation to non-member countries

Decision of the Executive Committee of 27 June 1996 on the principles for issuing Schengen visas in accordance with Article 30(1)(a) of the Convention implementing the Schengen Agreement

Decision of the Executive Committee of 15 December 1997 on the implementation of the Joint Action concerning a uniform format for residence permits

Decision of the Executive Committee of 14 December 1993 on the common principles for cancelling, rescinding or shortening the length of validity of the uniform visa

Decision of the Executive Committee of 16 December 1998 on the introduction of a harmonised form providing proof of invitation, sponsorship and accommodation

Decision of the Executive Committee of 21 November 1994 on the acquisition of common entry and exit stamps (SCH/Com-ex (94))

Joint Action of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO)

Joint Action of 16 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning a uniform format for residence permits

Joint Action of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements