

Foreigners in the Republic of Bulgaria Act

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Chapter One

GENERAL DISPOSITIONS

Article 1. *(Last Amendment, SG No. 29/2007)* (1) This Act shall establish the terms and the procedure according to which foreigners may enter, reside in and leave the Republic of Bulgaria, as well as the rights and obligations thereof.

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

(3) The terms and procedures under which the citizens of other European Union members-states and the members of their families as well as citizens of European Union member-states or of a state – party to the European Economic Area Agreement, and of the Swiss Confederation and the members of their families shall enter, reside in and leave the Republic of Bulgaria shall be specified in the European Union Citizens and Members of Their Families Entry and Residence in and Departure from the Republic of Bulgaria Act.

Article 2. *(Last Amendment, SG No. 23/2013)* (1) *(Last Amendment, SG No. 36/2009)* As an alien under this Act is regarded any person who is not a Bulgarian citizen.

(2) *(New, SG No. 9/2011)* As an alien under this Act is regarded also any person who is not a citizen of any state in accordance with its legislation.

(3) *(New, SG No. 9/2011)* Members of an alien's family under this Act shall be:

1. the spouse;
2. the children of the alien and of his/her spouse, including adopted children, who are under the age of 18 and are not married;
3. the children under the age of 18 including adopted children of the alien where the alien has custody and the children are dependent on him or her;
4. the children including adopted children of the spouse where the children are under the age of 18 and are not married, and the spouse has custody and the children are dependent on him or her.

(4) *(Last Amendment - SG No. 23/2013)* As members of the family are regarded also the children of the alien and of his/her spouse, who are over the age of 18 and are not married, where serious health concerns impose personal care for such children, or because of such cause they are incapable of earning their living.

(5) (*New, SG No. 9/2011*) If the alien has a spouse living with him or her on the territory of the Republic of Bulgaria, no reunion with the family of another spouse shall be allowed.

(6) (*Last Amendment - SG No. 23/2013*) Members of the family of a Bulgarian citizen shall be the persons living together with him/her in the same household and are.

1. spouse;

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

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

4. (*last Amendment – SG, No. 9/2011*) ascendants who are dependent on the Bulgarian citizen or on the person under paragraph 1;

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

Article 3. (1) Foreigners in the Republic of Bulgaria shall have all rights and obligations according to the Bulgarian laws and the ratified international treaties where to the Republic of Bulgaria is a party, with the exception of such rights and obligations where Bulgarian citizenship is required.

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

Article 4. Foreigners who reside in the Republic of Bulgaria shall be obligated to observe the laws and the established legal order, to be loyal to the Bulgarian State, and not to damage the prestige and dignity of the Bulgarian people.

Article 5. (*Repeal, SG No. 29/2007*)

Article 6. Foreigners who reside in the Republic of Bulgaria shall incur the same civil, administrative and criminal liability as Bulgarian citizens, save insofar as otherwise provided for in a special law or in an international convention where to the Republic of Bulgaria is a party.

Article 7. (*Last Amendment - SG, No 23/2013*) The terms and procedure for provision of special protection of foreigners on the territory of the Republic of Bulgaria are specified with a special Act.

Chapter Two

ENTRY AND AIR TRANSIT

(Title amended, SG No. 29/2007)

Article 8. *(Last Amendment, SG No. 9/2011)* (1) A foreigner may enter the Republic of Bulgaria if he or she holds a regular foreign-travel document or another substitute document issued, as well as a visa if required.

(2) *(Last Amendment, SG No. 9/2011)* No visas shall be required where this is foreseen in Regulation (EC) No 539/2001 of the Council, in other EU instruments with binding effect, in an international agreement or in an act of the Council of Ministers.

(3) *(Last Amendment, SG No. 9/2011)* No visa shall be required also when the foreigner holds a valid extended, long-term or permanent residence permit for the Republic of Bulgaria.

(4) *(New, SG No. 9/2011)* After receiving and approval of application for family reunion, the members of the family shall receive visas under summary procedures established by the Council of Ministers.

Article 8a. *(New, SG No. 29/2007)* (1) A foreigner who is a member of the family of a Bulgarian citizen may enter the territory of the Republic of Bulgaria with a passport and a visa, if required. The visa shall be issued under terms and procedures specified by the Council of Ministers without paying any charges for processing the documents and issuing the visa.

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

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

(3) When a member of the family of a Bulgarian citizen refers to this capacity of his/her on entering the territory of the Republic of Bulgaria but does not produce a document pursuant to paragraph 2 the border control authorities shall provide to him/her reasonable time to obtain it or to ascertain with other documents that he/she is a member of the family of a Bulgarian citizen.

(4) In the cases under paragraph 3 the border control authorities shall conduct a detailed verification of the personal particulars and shall not allow entrance to a person who has not produced a document pursuant to paragraph 2 or has failed to duly ascertain with other documents that he/she is a member of the family of a Bulgarian citizen. The refusal to allow entry to a person in the Republic of Bulgaria shall be substantiated and shall be subject to contestation under the procedure of the Code of Administrative Procedure.

Article 9. *(Last Amendment, SG No. 9/2011)* Visa is an authorization issued by the Republic of Bulgaria, permitting entry and stay, transit or airport transit.

Article 9a. *(Last Amendment, SG No. 9/2011)* (1) The type of visa shall be determined by the purpose for which it is issued

(2) The types of visas shall be:

1. air transit visa (type "A" visa);
2. *(Repeal, SG No. 9/2011)*;
3. short-term residence visa (type "C" visa);
4. long-term residence visa (type "D" visa);

(3) *(Repeal, SG No. 9/2011).*

(4) *(Repeal, SG No. 9/2011).*

(5) *(Repeal, SG No. 9/2011).*

Article 9b. *(New, SG No. 29/2007)* (1) The visa shall be issued in the form a uniform visa sticker according to a European Union sample and shall be valid only with the standard foreign travel document or another substituting document in which or with which it is placed.

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

Article 9c. *(Last Amendment, SG No. 23/2013)* (1) The visa sticker shall be placed in a standard passport or another foreign travel document recognised by the Republic of Bulgaria.

(2) When a foreigner holds a standard foreign travel document or another substituting document which is not recognised by the Republic of Bulgaria the visa sticker shall be placed on a uniform visa form according to a European Union sample approved by the Council of Ministers.

(3) *(Last Amendment, SG No. 23/2013)* The Ministry of Interior shall, in coordination with the Ministry of Foreign Affairs and the Ministry of Transport, Information Technology and Communications maintain and update a list of foreign travel documents issued by states, international organisations and other subjects of international public law in which a visa sticker may be placed and which entitle the foreigner to enter the territory of the Republic of Bulgaria. The terms and procedure for coordination of the National position of the Republic of Bulgaria with reference to acknowledgment or non-acknowledgment of travel documents are specified with an act of the Council of Ministers.

(4) The terms and conditions for printing, placing, cancelling, keeping and destroying the visa stickers and the visa placement forms shall be specified with an act of the Council of Ministers.

Article 9d. *(Last Amendment - SG No. 23/2013)* (1) *(Last Amendment- SG, No 23/2013)* The issuance, the refusals of issuance, the annulment and the cancellation of visas are performed by the diplomatic and consular missions of the Republic of Bulgaria abroad and by the border control bodies, and the annulment and the cancellation- by the foreigners administrative control bodies as well.

(2) *(New- SG - No 23 of 2013, applicable after entry to force of Council's decision on the full application of the provisions of the Schengen legislation in Bulgaria)* The issuance, the refusals of issuance, the annulment and the cancellation of airport transit visa, short-term residence visas or visas, issued by the border control bodies are performed in accordance with the terms and procedure specified with Regulation (EC) No 810/ 2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (Official Journal, L243/1 of 15 September 2009).

(3) *(Former par. 2 - SG No. 23/2013)* The Republic of Bulgaria and another member-state of the European Union may conclude a bilateral agreement on representation for accepting applications and for issuing visas as well as for establishment of joint centers for receipt of applications.

(4) *(Former par. 3 - SG No. 23/2013)* The Minister of Internal Affairs or a person authorized by the Minister may contract an external service provider, under terms and conditions established by the Council of Ministers, to carry out activities related to lodging of visa applications and collection of data, provided that the personal data protection legislation is observed,

(5) *(Former par. 4 - SG No. 23/2013)* Diplomatic and consular missions may cooperate with commercial intermediaries based on accreditation, established with an act of the Council of Ministers, with regard to the lodging of applications, excluding collection of biometric identifiers.

(6) *(Former par. 5, amended - SG No. 23/2013)* Honorary consuls may be authorized to carry out some or all of the tasks enumerated in paragraph 4.

Article 9e. *(Last Amendment, SG No. 9/2011)* As an exception when this is necessitated by the national interest or by force majeure the border control authorities at the border crossing points may issue single transit visas with a term not exceeding 2 days in case an international agreement does not provide otherwise and short-term residence visas with a term of 15 days. The State Agency "National Security" shall be immediately notified of the visas issued.

Article 9f. *(Last Amendment- SG, No23 of 2013)* (1) The terms and procedure for issuing, refusal of issuing, annulment and cancellation of visas and for determining the visa regime are specified with an act of the Council of Ministers.

(2) The terms and procedure for coordination of the visa issuance applications are specified with an instruction of the Minister of Foreign Affairs, the Minister of Interior and the chairperson of the State Agency for National Security.

Article 9g. *(Last Amendment - SG No. 23/2013)* (1) Applications for visa shall be lodged no more than three months before the start of the intended visit in a filled out and signed form established by the Council of Ministers.

(2) The candidate shall annex to the application under paragraph 1 documents verifying the purpose of the travel, enumerated in an act of the Council of Ministers.

(3) For the purpose of issuing visas personal data, including biometric identifiers, shall be processed. Biometric data include photograph of the applicant and his/her ten fingerprints collected under terms and conditions established by the Council of Ministers in accordance with the safeguards laid down in the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms done in Strasbourg on 6 May 1963 (ratified by a law published in State Gazette 66/1992), in the Charter of Fundamental Rights of the European Union, signed in Nice on 7 December 2000, the United Nations Convention on the Rights of the Child (ratified by a decision of the Grand National Assembly, published in State Gazette 32/1991) (State Gazette 55/1991) and the Personal Data Protection Act.

(4) The following applicants shall be exempt from the requirement to give fingerprints:

1. children under the age of 12;

2. persons for whom fingerprinting is physically impossible. If the fingerprinting of fewer than 10 fingers is possible, the maximum number of fingerprints shall be taken. However,

should the impossibility be temporary, the applicant shall be required to give the fingerprints at the following application;

3. heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organizations for an official purpose;

4. sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organizations for an official purpose.

(5) In addition to the visa authorities, the data from the Visa Information System may be used for the purposes of border control, administrative control over aliens, grant of asylum, as well as by the authorized competent national authorities or authorities of the Member States for prevention, detection and investigation of terrorist activities and offences, as envisaged in Art. 36(1) of the Extradition and European Arrest Warrant Act. Terms and conditions for access to the data shall be determined by the Council of Ministers.

(6) (*New - SG, No 23/2013*) The rules for work with the national visa information system are specified with an instruction of the Minister of Foreign Affairs.

Article 9h. (*Last Amendment - SG No. 23/2013*) (1) (*Last Amendment - SG No. 23/2013*) In case that the diplomatic or consular representation, after examination of the application, finds that the conditions of Art. 9g(1) and (3) are met, that a valid travel document, meeting the requirements established by the Council of Ministers, has been presented, and that the visa fee has been paid, the application shall be considered admissible and the consulate shall further examine it.

(2) In case that the application does not meet the requirements of paragraph 1, it shall be considered not admissible and the diplomatic or consular mission shall immediately return the application and all documents submitted by the applicant, destroy the collected biometric identifiers, repay the visa fee, and shall not further examine the application.

(3) By way of derogation, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds or for reasons of national interest.

Article 10. (*Last Amendment - SG No. 23/2013*) (1) (*Last Amendment, SG No. 9/2011*) Issuing of a visa or entry into Bulgaria shall be refused to any foreigner where:

1. (*Last Amendment, SG No. 29/2007*) by the acts thereof, the said foreigner has jeopardised or may jeopardise the interests of the Bulgarian State, or if there is reason to believe that the said foreigner acts against national security;

2. (*Last Amendment, SG No. 9/2011*) the said foreigner has, by his or her actions, discredited the Bulgarian State or damaged the prestige and dignity of the Bulgarian people, or his/her entry in the State may infringe the relations of the Republic of Bulgaria with another state;

3. (***Last Amendment, SG No. 73/2010 in force as of 17.09.2010***) there is reason to believe that the said foreigner is member of a criminal group or organization, or that he or she engages in terrorist activities, smuggling and illicit transactions in arms, explosives, ammunition, pyrotechnics, strategic raw materials, dual-use items and technologies, as well

as in illicit trafficking in narcotic drugs and psychotropic substances and precursors, and in raw materials for the manufacture thereof;

4. there is reason to believe that the said foreigner engages in human trade and illicit bringing of persons into Bulgaria and taking persons into other States;

5. the said foreigner has been expelled from the Republic of Bulgaria less than ten years before and has failed to refund the expenses incurred by the State on the said expulsion within six months;

6. (*Last Amendment, SG No. 9/2011*) the said foreigner has been sentenced for a criminal offence committed within the territory of the Republic of Bulgaria which, according to the Bulgarian legislation, is punishable by more than one year of imprisonment;

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

8. it may be presumed that the said foreigner will spread a grave communicable disease, or suffers from a disease which, according to the criteria of the Ministry of Health or of the World Health Organization, poses a risk to public health, or does not hold a vaccination certificate, or arrives from an area with a complicated epidemic or epizootic situation;

9. the said foreigner does not possess guaranteed subsistence and the compulsory insurances required for the duration of residence in Bulgaria and financial means to cover the costs of his or her return;

10. the said foreigner has, during a previous entry and residence, systematically violated the border-crossing, passport and visa, exchange-control or customs regulations of the Republic of Bulgaria;

11. the said foreigner has, during a previous residence, violated the labour or tax legislation of Bulgaria;

12. the said foreigner does not possess visas or tickets for the countries next on his or her route;

13. a coercive administrative measure has been imposed on the person barring him or her from entry into Bulgaria, and the said measure is still in effect;

14. (*last amendment, SG No. 9/2011*) the said foreigner has been included in the data base of undesirable foreigners in Bulgaria under Art. 21a (1);

15. (*new, SG No. 42/2001*) the said foreigner is applying for an entry visa on a document certifying that he or she is leaving definitively the territory of another State wherein he or she has theretofore resided.

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

17. (*new, SG No. 9/2011*) the said foreigner does not provide justification for the purpose and conditions of the intended stay;

18. (*new, SG No. 9/2011*) the said foreigner has already stayed for three months during the current six-month period on the territory of the Republic of Bulgaria on the basis of a visa in compliance with Art. 14(3);

19. (*new, SG No. 9/2011, in force after the entry into force of a decision of the EU Council for full implementation by the Republic of Bulgaria of the provisions of the acquis of*

the Schengen Law) the said foreigner is a person for whom an alert has been issued in the SIS for the purpose of refusing entry;

20. (*new, SG No. 9/2011*) the said foreigner has systematically violated the public order during a previous stay;

21. (*new, SG No. 9/2011*) there is data that the foreigner intends to stay in the country as immigrant without having special permission for that;

22. (*new - SG No. 9/2011*) there is data that the foreigner intends to use the country as a transit point for migration to a third country;

23. (*new - SG No. 43/2011, in force as of 15.06.2011*) the foreigner has presented documents with false content or has declared false data.

24. (*new - SG, No 23/2013*) there are justified suspicions with reference to the authenticity of the visa issuance documents submitted, the veracity of their content, the trustworthiness of the statements made by the foreigner or his intentions to leave the country before the expiration of the visa for which he or she is applying for.

(2) (*Last Amendment, SG No. 9/2011*) In the cases under par. 1 a visa may be issued or entry may be permitted on the territory of the Republic of Bulgaria if that is necessary on humanitarian grounds, for reasons of national interest or because of international obligations.

(3) (*New, SG No. 9/2011, in force after the entry into force of a decision of the EU Council for full implementation by the Republic of Bulgaria of the provisions of the acquis of the Schengen Law*) In the cases under par. 1 foreigners holding valid residence permit, long-term residence visa or re-entry visa, issued in a Member State, or when that is required - valid residence permit, long-term residence visa or re-entry visa, shall be permitted to enter the territory of the Republic of Bulgaria for transit with the purpose to reach the territory of the state which has issued the residence permit, long-term residence visa or re-entry visa, save in cases where the Republic of Bulgaria has issued an in the Schengen Information System for the purpose of refusing entry.

Article 11. (*Repeal, SG No. 9/2011*).

Article 12. (*Last Amendment, SG No. 29/2007*) (1) An air transit visa shall be issued to a foreigner who, is arriving by aircraft from a certain state and stays in the international transit zone of an airport on the territory of the Republic of Bulgaria with the aim of continuing his/her travel with the first next flight to a different state.

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

Article 13. (*Repeal, SG No. 9/2011*).

Article 14. (*Last Amendment, SG No. 9/2011*) (1) Short – term residence visa is issued to a foreigner for the purposes of transit or planned stay on the territory of the Republic of Bulgaria.

(2) Short – term residence visa for transit has duration of stay on the territory of the Republic of Bulgaria of two days, save nothing else is stipulated in an international agreement, and is issued to a foreigner, who enters the territory of the Republic of Bulgaria and leaves the country on his/her way from one country to another country. The total

duration of residence with such visa may not exceed three months within every six-month period, counting from the date of the first entry on the territory of the Republic of Bulgaria.

(3) Short – term residence visa for planned stay has a duration not exceeding three months within every six-month period, counting from the date of the first entry on the territory of the Republic of Bulgaria.

(4) Short – term residence visa may be issued for one, two or multiple entries.

(5) The period of validity of the visa and the duration of the permitted residence are determined on the basis of examination of the conditions of entry and risk assessment during the examination of the visa application. The period of validity of the visa may not exceed 5 years.

Article 14a. *(Repeal, SG No. 103/2009).*

Article 15. *(Last Amendment - SG No. 16/2013)* (1) *(Last Amendment - SG No. 21/2012)* A long-term residence visa with a validity term of up to six months and entitlement to reside of up to 180 days shall be issued to a foreigner who wishes to settle for an extended period or permanently in the Republic of Bulgaria.

(2) *(Last Amendment - SG No. 16/2013)* A long-term residence visa with a validity term of up to one year and entitlement to reside of up to 360 days may be issued to foreigners conducting scientific research or students under one-year education programmes, scholars or trainees, foreigners on business trips on behalf of a foreign employer for performing specific tasks related to control and coordination of the implementation of a tourist services contract as well as foreigners on business trips on behalf of a foreign employer for effecting and maintenance of investments certified under the procedure of the Investment Promotion Act.

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

(4) The long-term residence visa shall be cancelled when a residence permit is issued by the authorities for administrative control of foreigners.

Article 16. *(Last Amendment, SG No. 9/2011)* (1) A foreigner may not enter and reside in the Republic of Bulgaria on the sole grounds of possessing a visa.

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

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

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

(5) The Ministry of Foreign Affairs and the diplomatic missions and consular posts may cancel a visa as issued, reduce the number of entries allowed and the duration of residence in case of non-compliance with the provisions herein and according to a procedure established by an act of the Council of Ministers.

Article 17. (Last Amendment, *SG No. 29/2007*) (1) The entry of a foreigner into the Republic of Bulgaria shall be effected only through the border-crossing checkpoints determined with an act of the Council of Ministers or in an international agreement.

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

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

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

(5) The provision of Paragraph (4) shall furthermore apply to Bulgarian citizens holding another citizenship as well.

(6) The border control authorities shall place stamps in the foreigner's foreign travel document or substituting document on each entry and on leaving the Republic of Bulgaria with the exception of the cases when the foreigner is a member of the family of a Bulgarian citizen and produces a residence card under Article 8a, paragraph 2.

Article 18. (Last Amendment, *SG No. 63/2005, in force as of 1.01.2006*) (1) Upon entry into the Republic of Bulgaria, a foreigner shall declare the purpose of the visit thereof and shall state in writing the residence address thereof in Bulgaria, completing a registration card in a standard form endorsed by the Minister of Interior.

(2) Any foreigners, who are accredited as members of foreign diplomatic missions, consular posts and trade representations, shall register at the Ministry of Foreign Affairs.

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

Article 19. (Last Amendment - *SG No. 23/2013*) (1) Any foreigner who enters the Republic of Bulgaria or who transits the country, depending on the purpose of the travel, must be in possession of:

1. a standard foreign travel document or another substituting document as well as a visa if required;

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

3. (Last Amendment, *SG No. 9/2011*) medical insurance and other insurances when such are required;

4. sample invitation if required;

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

(2) The amount of the financial means referred to in Paragraph 1, Items 1 and 2, the minimal insurance sums referred to in paragraph 1, item 3 and the documents referred to in paragraph 1, item 5 shall be determined by an act of the Council of Ministers.

Article 20. (Last Amendment, *SG No. 29/2007*) (1) Any carrier engaged in transporting foreigners by land, by air or by water to and/or from the Republic of Bulgaria, shall, before performing the service, be obligated to ascertain:

1. the validity of the travel document held by the foreigner and the existence of a Bulgarian visa if required;

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

(2) In cases where a foreigner has been refused entry into the Republic of Bulgaria on the grounds of a failure to fulfil the obligation referred to in Paragraph (1), the carrier that has transported such foreigner shall be obligated, when so requested by the border control authorities, to return any such foreigner at its own expense to the State wherefrom the said foreigner has been transported, to the State which has issued the travel document whereon the said foreigner has arrived, or to another State where the said foreigner will be allowed entry. In case the return cannot be effected immediately, any costs incidental to the stay of the foreigner shall be for the account of the carrier.

(3) The carrier shall furthermore be under the obligation to return, at its own expense according to the procedure established by Paragraph (2), any foreigner transiting the Republic of Bulgaria should the subsequent carrier refuse to transport the said foreigner to the State which is the final destination of the travel.

(4) The provisions of Paragraphs (2) and (3) shall apply accordingly in respect of any foreigner who has been returned to the Republic of Bulgaria after transiting the country.

Article 20a. (Last Amendment – *SG, No. 23/2013*) (1) (Last Amendment – *SG, No. 23/2013*) Any carrier transporting passengers by air to and from the Republic of Bulgaria must provide the following information upon request by the competent authorities of the Border Police Department by the time flight check-in is complete:

1. type and number of passenger's travel document;
2. passenger's name, date of birth and nationality;
3. name of the check point used to enter the country;
4. transportation code;
5. date and time of departure and arrival of the transportation vehicle;
6. total number of passengers carried on the relevant trip;
7. initial departure point.

(2) Processing of personal data under paragraph 1 shall be carried out in compliance with the Personal Data Protection Act and all international agreements that the Republic of Bulgaria is signatory to.

(3) Any carrier under paragraph 1 shall provide the required information electronically and when this is not possible shall use other appropriate methods.

(4) Any carrier under paragraph 1 shall erase personal data within 24 hours upon arrival of the respective transportation vehicle on the territory of the Republic of Bulgaria.

(5) The competent authorities of the Border Police Department shall erase data provided pursuant to paragraph 1 within 24 hours upon receipt thereof, save in the cases when they need those data to exercise their statutory powers.

Article 21. (1) Any foreigner who enters, resides in, or transits Bulgaria by a means of transport by land, by air or by water, must be in possession of:

1. a transit permit for the means of transport, where such permit is required under Bulgarian legislation and the international treaties whereto the Republic of Bulgaria is a party;

2. documents establishing the registration of the means of transport;

3. documents establishing the ownership of the means of transport unless this is established in the documents referred to in Item 2;

4. compulsory insurance;

5. documents certifying a licensed competence to operate the means of transport.

(2) A means of transport shall not be admitted into Bulgaria unless the grounds referred to in Items 1, 4 and 5 of Paragraph (1) exist.

(3) *(Last Amendment, SG 29/2007)* The border control authorities shall impound the means of transport and the documents in case the grounds referred to in Items 2 and 3 of Paragraph (1) exist, and a written statement shall be drawn up on the said impoundment and a copy of the said statement shall be served on the foreigner. The written statement and the documents shall be transmitted to the competent customs authorities.

(4) A foreigner who holds documents issued in good and due form for entry into Bulgaria but does not holds such documents in respect of the means of transport covered under Paragraph (1), shall be admitted into Bulgaria.

Article 21a. *(Last Amendment, SG No. 9/2011)* (1) *(Last Amendment, SG No. 9/2011)* The Minister of Interior, the Minister of Foreign Affairs, the Chairperson of the State Agency for National Security, or officials authorized thereby may periodically include foreigners in the data base of undesirable foreigners in Bulgaria, if the grounds under Article 10 (1) herein exist.

(2) *(Last Amendment, SG No. 109/2007)* The terms and procedure for maintenance and updating of the data base referred to in Paragraph (1) shall be established by the Minister of Interior, by the Chairperson of the State Agency for National Security and by the Minister of Foreign Affairs.

Chapter Three

RESIDENCE OF FOREIGNERS IN THE REPUBLIC OF BULGARIA

Article 22. *(Last Amendment – SG, No. 23/2013)* (1) Foreigners shall reside in the Republic of Bulgaria on the grounds of:

1. *(Last Amendment, SG No. 29/2006)* a visa issued under Article 9, paragraph 2 herein;

2. international treaties on visa-free entry clearance or on relaxed visa requirements;

3. a permit granted by the foreigners administrative control services.

(2) *(Repeal - SG No. 23/2013)*

(3) *(Repeal - SG No. 23/2013)*

(4) *(New, SG No. 109/2007)* The permission as per Paragraph 1, Item 3 shall be issued subject to a written statement on behalf of the State Agency for National Security

Article 23. *(Last Amendment - SG No. 23/2013)* (1) Foreigners shall reside in the Republic of Bulgaria:

1. *(last amendment - SG No. 23/2013)* for a short-term – no more than 3 months in the scope of each 6-month period from the date of entry into the country; the period may be extended once by the authorities for administrative control over foreigners for reasons of humanitarian character or by reasons related to extraordinary circumstances or by serious personal reasons;

2. for an extended period – with a permitted period not exceeding one year;

3. for a long-term – with initially permitted period of 5 years and option of renewal after submission of application;

4. permanently – with a permitted undefined period.

(2) *(Last Amendment - SG No. 23/2013, in force as of 01.05.2013)* The timeframes under paragraph 1, pt. 1, 2 and 4 do not apply to foreigners who have been granted protection under the Asylum and Refugees Act.

(3) *(New- SG, No 23/2013)* The foreigners- officials in a diplomatic and consular missions in an international organization, accredited in the Republic of Bulgaria, who have diplomatic or consular immunity, reside on the territory of the Republic of Bulgaria with a residence permit, which is issued by the Ministry of Foreign Affairs under the procedure of art.59, para.5 of the Bulgarian Identity Documents Act. A residence permit for children from 14 to 21 years is issued under the same procedure, and with reference to children to 14 years a residence permit with a visa sticker affixed is issued.

(4) *(New- SG, No 23/2013)* Upon necessity of prolongation of the period of the documents and the visa sticker under para.3, the Ministry of Foreign Affairs issues a new document with a validity period until the end of the foreign mandate of the official or a new visa sticker with a validity period which does not exceed the permitted sojourn of the parent.

Article 24. *(Last Amendment - SG No. 23/2013)* (1) *(Last Amendment, SG No. 29/2007)* An extended residence permit may be granted to foreigners who possess a visa under Article 15, paragraph 1 and:

1. *(Last Amendment, SG No. 112/2001)* wish to work under a contract of employment after obtaining a permit from the authorities of the Ministry of Labour and Social Policy;

2. *(Last Amendment, SG No. 9/2011)* engage in commercial activities in Bulgaria according to the statutory procedure and at least ten jobs for Bulgarian citizens, maintained for the term of residence, have been created as a result of the said activities, unless otherwise agreed in an international treaty which has been ratified, promulgated and entered into force for the Republic of Bulgaria;

3. *(Repeal, SG No. 9/2011);*

4. are foreign specialists residing in Bulgaria by virtue of international treaties whereto the Republic of Bulgaria is a party;

5. *(last amendment – SG, No. 23/2013)* have grounds to be permitted permanent residence;

6. (*Last Amendment, SG No. 42/2001*) are representatives of non-resident commercial corporations registered at the Bulgarian Chamber of Commerce and Industry;

7. (*Last Amendment, SG No. 37/2003*) are financially self-supporting parents of foreigner permanent residents in Bulgaria or of a Bulgarian citizen;

8. (*Last Amendment, SG No. 70/2004*) have been admitted for long-term treatment to a medical-treatment facility and possess means to pay for such treatment and to subsist;

9. are foreign mass-media correspondents who are accredited to the Republic of Bulgaria;

10. (*last amendment – SG, No. 23/2013*) possess a pension entitlement under the legislation of Bulgaria, the state of origin or another state and means to subsist in Bulgaria;

11. (*Repeal, SG No. 9/2011*);

12. (*Repeal, SG No. 42/2001*);

13. (*last amendment - SG No. 23/2013*) are members of the family of a foreigner who has been granted an extended or permanent residence permit;

14. (*last amendment - SG 23/2013*) are the parents of a foreigner or are *de facto* cohabitants of a foreigner who has been granted an extended residence permit in pursuance of Article 23, paragraph 3 herein;

15. (*Last Amendment, SG No. 112/2001*) wish to work on a freelance basis after obtaining a permit from the authorities of the Ministry of Labour and Social Policy in accordance with Article 24a herein;

16. (*Last Amendment, SG No. 109/2007*) wish to perform non-profit activities after obtaining a permission from the Ministry of Justice under terms and according to a procedure established by an ordinance of the Minister of Justice in consultation with the Minister of Interior and with the Chairperson of the State Agency for National Security.

17. (*New, SG No. 29/2007*) have been granted a special protection status under Article 25 of the Combating Trafficking in Human Beings Act

18. (*New, SG No. 29/2007*) are members of the family of a Bulgarian citizen under Article 2, paragraph 6.

19. (*New, SG No. 16/2013*) have invested a sum not less than BGN 600 000 – per each foreign citizen for acquisition of ownership right on immovable property on the territory of the Republic of Bulgaria, or the foreign citizen owns more than 50 percent of the capital of a Bulgarian trade company, has invested the same amount in the company's capital and as a result of this the company has acquired ownership right on immovable property in the country to that amount; as of the date of filing of application for long-term residence permit the foreign citizen or legal person must have paid in the whole amount, which must have been received to a bank account in a licensed credit institution, and in case the immovable properties have been acquired through loans, the unpaid amount of such loans shall not exceed 25 percent;

20. (*New, SG No. 16/2013*) have made investments in economically disadvantaged areas within the meaning of the Investment Promotion Act by contribution to the capital of a Bulgarian trade company of not less than BGN 250 000, where the foreign citizen is an associate or shareholder with registered shares and owns not less than 50 percent of the

company's capital, and as a result of such investment new long-term tangible and intangible assets have been acquired to the amount of not less than BGN 250 000 and at least 5 job positions for Bulgarian citizens have been opened and maintained during the residence period which fact shall be certified by the Ministry of Economy, Energy and Tourism.

(2) (*Last Amendment - SG No. 23/2013*) To receive an extended residence permit the persons must have accommodation, mandatory health insurance, subsistence means with no need to use the social assistance system, to the amount not less than the minimal monthly salary, the minimal scholarship or pension under the Bulgarian legislation, for the term of stay. At lodging their first residence permit application, the persons over the age of 18 submit a conviction certificate issued by the state whose citizens they are or by the state of their habitual residence.

(3) (*Last Amendment, SG No. 9/2011*) The extended residence permit application is examined within 14 days after its submission. The time limit may be extended to one month in cases of legal or factual complexities, or where additional documents are necessary. The terms and conditions for issuing of permit are established by the Rules on application of this Act.

(4) (*New - SG No. 21/2012*) For foreigners applying under item 17 of Par. (1) no visa under Art. 15 (1) is required.

(5) (*New - SG, No 23/2013*) Upon termination of marriage the members of the family of an extended, long-term or permanent foreign resident may be issued a separate extended residence permit only once. In the cases of a divorce, a separate extended residence permit may be issued if the marriage has lasted at least two years on the territory of the Republic of Bulgaria.

(6) (*New - SG, No 23/2013*) Under the conditions of para. 5 a separate extended residence permit may be issued to the members of the family of a Bulgarian citizen under art.2, para.6, pt. 1, 2 and 3 as well.

(7) (*New - SG, No 23/2013*) Upon presence of force majeure circumstances, the members of the family of an extended, long-term or permanent foreign resident and the members of the family of a Bulgarian citizen under art. 2, para. 6, pt. 1, 2 and 3 are issued a separate extended residence permit only once.

Article 24a. (*Last Amendment, SG No. 112/2001*) (1) (*Last Amendment, SG No. 37/2003*) Any foreigner, who wishes to reside for an extended period within the territory of the Republic of Bulgaria for the purpose of working on a freelance basis, may receive a long-residence visa or an extended residence permit, provided that such a foreigner satisfies the statutory requirements for entry into and residence in Bulgaria and presents the following documents to the diplomatic missions or consular posts or to the foreigners administrative control services, as the case may be:

1. an application completed in a standard form;
2. a permit for work on a freelance basis.

(2) The permits for work on a freelance basis shall be issued by the authorities of the Ministry of Labour and Social Policy.

(3) (*Amended and supplemented, SG No. 109/2007*) The terms and procedure for the issuing, refusal and withdrawal of permits for work on a freelance basis to foreigners shall be

established by an ordinance issued by the Minister of Labour and Social Policy in consultation with the Minister of Interior, the Minister of Finance, and the Chairperson of the State Agency for National Security.

(4) No extended residence visa for the purpose of work on a freelance basis shall be issued to a foreigner in the cases under Items 1 to 13 and 16 of Article 24 (1) herein.

(5) Foreigners who satisfy the statutory requirements for performance of the relevant work on a freelance basis shall be exempted from the requirement to obtain a permit, where so provided for in an international treaty whereto the Republic of Bulgaria is a party.

Article 24b. (*Last Amendment - SG No. 21/2012*) (1) An extended residence permit may also be issued to foreigners in possession of visas pursuant to article 15 (1) and work as researchers under an exchange agreement with a research organization whose seat is in the Republic of Bulgaria in relation to research projects, provided that the said organization is registered on the list of research organizations in the sense of Council Directive 2005/71/EC on the specific procedure for admitting third-country nationals for the purposes of scientific research.

(2) The extended residence permit shall be issued to persons under paragraph 1 for a period of one year and shall be extended if there are grounds for its repeated issuance. If the duration of the relevant research project is less than a year, the residence permit shall be issued for a period corresponding to the project duration.

(3) A foreigner entitled to receive an extended residence permit in the Republic of Bulgaria pursuant to paragraph 1 must submit a valid foreign travel document to the controlling administrative bodies and must also file:

1. a model application;
2. a document certifying the payment of stamp duty under Tariff No. 4 on fees collected in the system of the Ministry of Interior pursuant to the Stamp Duty Act;
3. a photo copy of the foreign travel document pages containing the photograph and the personal data of the holder, the entry visa and the most recent entry stamp into the country.
4. written evidence of a secured temporary residence in the country for the duration of the stay;
5. a certified copy of the exchange agreement with the research organization legally registered in the Republic of Bulgaria;

(4) (*New - SG No. 21/2012*) Scientific researchers receive extended residence permit under the terms and conditions of Art. 24 (2).

(5) (*Former Par. (4) - SG No. 21/2012*) The application shall be reviewed and ruled upon within 7 business days and the foreigner shall be notified about the decision in writing.

(6) (*Former Par. (5) - SG No. 21/2012*) The terms and procedure for inclusion of research organisations whose seat is in the Republic of Bulgaria in the list referred to in Paragraph (1) shall be established by an ordinance of the Minister of Education, Youth and Science.

(7) (*New - SG No. 21/2012*) Scientific researchers' family members may receive extended residence permit on the grounds of Art. 24 (1), item 13 with a duration corresponding to the duration of the respective scientific researcher's permit.

(8) (*New - SG No. 21/2012*) Foreigners accepted as scientific researchers in other Member States may carry out their scientific research in the Republic of Bulgaria for a term of three months on the grounds of the agreement concluded with the respective other Member State, which agreement shall be submitted to the authorities exercising administrative control over foreigners along with a valid residence permit issued by the respective other Member State. Such foreigners must have enough means not to approach the social welfare system in amount not less than the minimum working salary or pension under the Bulgarian legislation for the entire period of their stay.

(9) (*New - SG No. 21/2012*) Foreigners accepted as scientific researchers in other Member States may carry out their scientific research in the Republic of Bulgaria for a term exceeding three months. In such cases extended residence permits shall be issued under the terms and conditions of Pars. (3) and (4).

Article 24c. (*New, SG No. 9/2011*) (1) An extended residence permit may be acquired also by foreigners, having visa under Art. 15 (1), who have been accepted to study regularly in a higher education institution, pupils accepted on the territory of the country in a secondary education institution within the framework of exchange program, or as unremunerated trainees.

(2) Foreigner, who has been admitted as student in a Member State of the European Union and who applies for studying part of his courses or for supplementing his courses with a course related to them in the Republic of Bulgaria receives extended residence permit for a period corresponding the length of his/her study.

(3) The terms and conditions for issuing of permits under pars. 1 and 2 are established by the Rules on application of this Act.

Article 24d. (*Last Amendment - SG No. 23/2013*) (1) Long-term resident status is granted to third-country nationals who have resided legally and continuously within the territory of the Republic of Bulgaria for five years immediately prior to the submission of the relevant application. The status as long-term resident shall be permanent provided the conditions for its revocation under Art. 40 do not exist.

(2) (*Last Amendment - SG No. 23/2013*) The periods of residence for the persons under Art. 23 (3) and for persons residing exclusively as working under au pair programs, seasonal workers, suppliers of trans-border services, employees sent by suppliers of services for ensuring trans-border services, or whose residence permit is formally restricted, do not count for the purposes of calculation of the period of residence under par. 1.

(3) The calculation of the period of residence under par. 1 includes only half of the period for which a foreigner has resided as student, pupil or trainee under Art. 24c.

(4) (*New - SG, No 23/2013, in force as of 01.05.2013*) A long-term residence status may be granted to a foreigner who is a beneficiary of international protection.

(5) (*New - SG, No 23/2013, in force as of 01.05.2013*) With reference to the foreigners who are beneficiaries of international protection, upon calculation of the residence period under para.1 is included the half of the residence period as of the date of submission of

application for granting an international protection to the date of issuance of Bulgarian identity document in accordance with the Bulgarian Identity Documents Act or the whole residence period between the dates specified, if it is more than 18 months.

(6) *(New - SG, No 23/2013, in force as of 01.05.2013)* The possession of residence permit in another member State on the basis of granted protection, different from an international protection, or the presence of pending proceedings for issuance of such a permit is not a basis for granting of a long-term residence status.

(7) *(New - SG, No 23/2013, in force as of 01.05.2013)* The presence of pending proceedings for granting of international protection is not a basis for granting of a long-term residence status.

(8) *(Former par. 4 – SG, No. 23/2013, in force as of 01.05.2013)* Periods of absence from the territory of the Republic of Bulgaria do not stop the period under par. 1 and are calculated into it, provided that they are less than 6 consecutive months and do not exceed 10 months for the entire five-year period.

(9) *(Former par. 5 – SG, No. 23/2013, in force as of 01.05.2013)* To receive long-term residence status foreigners must provide evidence that they have, for themselves and for dependent family members stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system to the amount of minimum wage or pension as well as sickness insurance or insurance for the period of residence in accordance with the Bulgarian legislation.

(10) *(Former par. 6 – SG, No. 23/2013, in force as of 01.05.2013)* The competent authority with the Ministry of Internal Affairs decides on the grant of long-term residence status within three months after submission of application. The time limit may be extended with two months in cases of legal or factual complexities, or where additional documents are necessary.

(11) *(Former par. 7 – SG, No. 23/2013, in force as of 01.05.2013)* When receiving long-term resident status the person concerned shall be informed about his/her rights and obligations related to that status.

(12) *(Former par. 8 – SG, No. 23/2013, in force as of 01.05.2013)* The terms and conditions for issuing of permit are established by the Rules on application of this Act.

Article 24e. *(Last Amendment - SG No. 23/2013, in force as of 01.05.2013)* (1) Long-term resident's EU residence permit is issued to long-term residents. The permit shall be valid at least for five years; it shall, upon application be renewable on expiry. The expiry of a long-term resident's EU residence permit shall in no case entail withdrawal or loss of long-term resident status.

(2) Long-term resident's EU residence permit is issued on the basis of personal application. The permit is 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. Under the heading "type of permit", the "long-term resident - EC" is entered.

(3) *(New - SG, No 23/2013, in force as of 01.05.2013)* Upon issuance of a long-term resident's in the European Union residence permit to a foreigner with an international

protection granted, residing in the European Union, in the field "notes" the international protection granted by the Republic of Bulgaria is listed along with the date of its granting.

Article 24f. (*New, SG No. 9/2011*) (1) Members of the family of long-term resident may receive extended residence permit for one year with the option of renewal without exceeding the residence period permitted to the long-term resident.

(2) For issuing of residence permit to the family members, the conditions of Art. 24 (2) must be met.

(3) (*In force as of 01.06.2011, with regard to the second sentence*) After five years of residence on the territory of the Republic of Bulgaria, provided that the spouse and the children over the age of 18 have not received residence permits on grounds different from family reunification, they have the right to receive long-term residence permit independently from the long-term resident, provided that the conditions of Art. 24d are met. When the period of residence of family members of an EU Blue Card holder is calculated, the residence in different Member States may be cumulated under the conditions of Art. 33l (1).

(4) Upon termination of marriage the children of the long-term resident and the other parent have the right to an extended residence permit, if they meet the conditions of Art. 24(2), as well as when the children are enrolled in the school part of the public education system or in a higher school, until the end of the school year or the course of study.

(5) The terms and conditions for issuing of permit under pars. 1 – 4 are established by the Rules on application of this Act.

Article 24g. (*New, SG No. 9/2011*) (1) In the cases under Art. 40 (1), pts. 6, 9 and 11, the right to long-term residence may be restored under a summary procedure established by the Rules on application of this Act.

(2) The procedure under par. 1 is applicable to the persons under Art. 40 (1), pt. 9, who have resided in the second Member State for the purposes of study.

Article 24h. (*New - SG No. 21/2012*) (1) Extended residence permits may be granted also to illegally residing foreigners participating in administrative or criminal procedure under Art. 227 (3) and (5) of the Criminal Code – until finalization of the procedures.

(2) The term of the residence permitted under Par. (1) shall not be taken into account in the calculation of the term necessary for acquisition of permanent or long-term residence permit.

Article 25. (*Last Amendment - SG No. 108/2013*) (1) (*Former Article 25, Last amendment - SG No. 36/2009*) Permission for a permanent residence may receive aliens:

1. (*Last Amendment, SG No. 9/2011*) of Bulgarian descent;
2. (*Last Amendment – SG. No. 108/2013*) who have resided legally and continuously on the territory of the country for a period of five years, five years after contracting a marriage with a foreigner permanent resident in Bulgaria; in case of a marriage with a foreigner with a

permanent residence permit under item 6, 7 or 8, the requirements for residence in the country are not applicable

3. (*Last Amendment, SG No. 29/2006*) minor or underage children of a foreigner permanent resident in Bulgaria, who have not married;

4. (*Last Amendment - SG No. 23/2013*) parents of a Bulgarian citizen, where they provide the said citizen with the child support due under the law and resided legally and constantly for a period of 3 years in the territory of the state;

5. (*New - SG, No 23/2013*) who have resided legally and without interruption on the territory of the country for a period of 5 years and for this period they have not been absent for more than 30 months.

6. (*Last amendment - SG No. 36/2009*) who has invested more than 1 000 000 BGN or increased their investment with this size through the acquisition of:

a) shares in Bulgarian commercial companies, traded on a regulated Bulgarian market;

b) shares and treasury bonds and derivative instruments issued by the State or by municipalities, with a residual maturity not less than 6 months;

c) ownership rights over an isolated part of the property of a Bulgarian commercial company with more than 50 percent state or municipal participation in the capital under the Act of Privatization and Post- privatization Control;

d) shares or stocks owned by the state or municipalities in a Bulgarian commercial company in compliance with the Act of Privatization and Post- privatization Control;

e) Bulgarian intellectual property - objects of copyright and related to it rights, patent-protected inventions, utility models, trademarks, service marks and industrial design;

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

7. (*new - SG, No 108/2013*) who have invested the sum under pt.6 in a licensed credit institution in Bulgaria under a trust agreement for a period of at least five year, and the deposit is not used, with reference to for the same period, for securing of other cash credits from a credit institution in Bulgaria;

8. (*New, SG No. 36/2009*) who has invested in the capital of a Bulgarian commercial company, which shares are not traded on a regulated market, an amount not less than 6 000 000 BGN;

9. (*Former point 7, Last amendment - SG No.36/2009*) who are not persons of Bulgarian descent born within the territory of the Republic of Bulgaria, have lost the Bulgarian citizenship thereof under emigration agreements or at their own will, and wish to settle lastingly within the territory of Bulgaria;

10. (*Former point 8, Last amendment - SG No.36/2009*) who entered, resided, or were born within the territory of the Republic of Bulgaria prior to the 27th day of December 1998, and whose parent has contracted a civil marriage with a Bulgarian citizen.

11. (*Former point 9, Last amendment - SG No. 36/2009*) members of the family of a Bulgarian citizen if they have resided without interruption on the territory of the Republic of Bulgaria in the last five years;

12. (*New, SG No. 9/2011*) who have entered before 27 December 1989, resided and have not left the territory of the Republic of Bulgaria, or have been born on the territory of the Republic of Bulgaria and have not been recognized as citizens of the former Soviet Republics; for this category of persons Art. 15 (1) does not apply;

13. (*Last Amendment, SG No. 16/2013*) who carry out activities and are certified under the Investment Promotion Act, which fact shall be certified by the Ministry of Economy, Energy and Tourism in accordance with art. 25c.;

14. (*New, SG No. 43/2011, in force as of 15.06.2011*) who are children under 18 years of age, born and abandoned by their parents – foreign citizens – on the territory of the Republic of Bulgaria, and who are placed in institution or another alternative social service of residential type as a protection measure;

15. (*New, SG No. 43/2011, in force as of 15.06.2011*) who are children under 18 years of age, abandoned by their parents – foreign citizens – on the territory of the Republic of Bulgaria, and who are placed in institution or another alternative social service of residential type as a protection measure.

16. (*New, SG No. 16/2013*) have made an investment in the country by contribution to the capital of a Bulgarian trade company of not less than BGN 500 000, where the foreign citizen is an associate or shareholder with registered shares and owns not less than 50 percent of the company's capital, and as a result of the investment new long-term tangible and intangible assets have been acquired to the amount of not less than BGN 500 000 and at least 10 job positions for Bulgarian citizens have been opened and maintained during the residence period which fact shall be certified by the Ministry of Economy, Energy and Tourism.

17. (*new - SG, No 108/2013*) who were granted permission for long stay under art. 24, (1), item 19 and 20 and who maintained the investment over five years.

(2) (*Last Amendment, SG No. 108/2013*) The procedure for establishing of the circumstances under Paragraph (1) is determined by the regulations for implementation this Act. The circumstances under para. 1, item 6, 7 and 17 are established by the Bulgarian Investment Agency.

(3) (*New, SG No. 9/2011*) The competent authority with the Ministry of Internal Affairs decides on the grant of long-term residence status within three months after submission of application. The time limit may be extended with two months in cases of legal or factual complexities, or where additional documents are necessary. The terms and conditions for issuing of permit are established by the Rules on application of this Act.

(4) (*New, SG No. 16/2013*) In the cases under Par. 1, items 13 and 16, the annual financial statements and reports on the company's activity, certified by an auditor registered under the Independent Financial Audit Act, the inquiries from the National Revenue Agency, municipalities, and/or other relevant documents, submitted by the investor or foreign citizen, or collected ex officio may be used for purposes of the assessment for issuance of a certificate by the Ministry of Economy, Energy and Tourism.

Article 25a. *(New, SG No. 42/2001)* Authorization for residence in the Republic of Bulgaria, without fulfilment of the requirements under this Act, may be granted to foreigners who have rendered services to the Republic of Bulgaria in the public and economic sphere, in the area of national security, science, technology, culture or sports.

Article 25b. *(Last Amendment, SG No. 9/2011)* (1) Regardless of whether the requirements of this Act are met, permission to reside in the Republic of Bulgaria shall be granted to members of family of foreigners who under the terms and conditions of the Asylum and Refugees Act:

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

(2) The family members under par. 1 are granted extended residence permit after decision for family reunification under the Asylum and Refugees Act. The residence permit is for a term of one year with the option of renewal, without exceeding the residence period of the sponsor.

Art. 25c. *(New, SG No. 16/2013)* (1) A long-term residence permit by virtue of Art. 25, Par. 1, item 13 may be granted to a foreign citizen that performs activity for implementing and/or maintaining an investment which has received a certificate for class A, class B, or priority investment project pursuant to Art. 20, Par. 1, item 1 of the Investment Promotion Act.

(2) At a Bulgarian trade company having an investment which has received a certificate under Art. 20, ал. 1, т. 1 of the Investment Promotion Act, the foreigner under Par. 1 shall be:

1. an associate or shareholder having registered shares owning not less than 50 percent of the registered company capital;

2. proxy of the company or procurator entered in the Commercial Register, or

3. employed under contracts of employment for the performance of a key and/or controlling function in the scientific research, manufacturing, marketing or other basic activity of the undertaking or another activity necessary for investment purposes.

(3) Not later than the third year from the date of launching the investment project activity, the competent body of the trade company under Par. 2 shall certify that the threshold requirement for issuing class B investment certificate under the Investment Promotion Act has been reached in relation to the investments made and put into effect and/or the employment created as an average number of listed personnel.

(4) The overall number of the persons under Par. 2 that may receive a residence permit for the country pursuant to Art. 25, Par. 1, it. 13 in relation to the implementation and maintenance of an investment project shall be:

1. until compliance with the requirement under Par. 3 – up to three persons;

2. after compliance with the requirement under Par. 3, during the period of maintenance of the investment and job positions - up to eight persons.

(5) For Bulgarian trade companies and persons under Par. 2 the requirements of Art. 13 of the Investment Promotion Act shall apply.

(6) The Ministry of Economy, Energy and Tourism issues a certificate for compliance with the requirements under Pars. 2 – 5 which shall be used before the agencies for administrative control on foreign persons. The certificate shall be issued following a grounded presentation by the Bulgarian trade company under Par. 2 of the necessity for residence of the foreign person in question with respect to the investment implementation and maintenance and after assuming of an obligation by the company for prompt notification of the Ministry of Economy, Energy and Tourism in case of termination of relations with the physical persons.

Article 26. *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* (1) *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* A foreigner shall be refused residence permit or extension of the authorized period of residence in any of the cases under Article 10(1), pts. 1 - 4, 6 - 11, 14, 16, 19 - 23.

(2) *(Last Amendment, SG No. 9/2011)* A foreigner shall be refused residence permit or extension of the authorized period of residence if it is found that the foreigner does not meet the requirements of Art. 24, 24d – 24d, 24f, 25, 256, 33a, 33d and 33j – 33l.

(3) *(Last Amendment, SG No. 9/2011)* A foreigner shall be refused residence permit or extension of the authorized period of residence where the foreigner has contracted a marriage with a Bulgarian citizen or with a foreigner, or who has been adopted by a

Bulgarian citizen or a foreigner who has been granted a residence permit, if there is data that the marriage has been contracted and the adoption performed for the sole purpose of circumventing the standards regulating the regime applicable to foreigners in the Republic of Bulgaria, and of obtaining a residence permit.

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

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

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

(6) *(New, SG No. 9/2011, , in force after the entry into force of a decision of the EU Council for full implementation by the Republic of Bulgaria of the provisions of the acquis of the Schengen Law)* In the cases under Art. 10 (1), pt. 9 residence permit may be issued on humanitarian grounds or for reasons of international obligations, after consultation with the Member State which has issued alert for refusal of entry purposes.

(7) *(New, SG No. 9/2011)* Diseases contracted after the first residence permit was issued under Chapter Three "a" to a foreigner or members of foreigner's family, as well as after foreigner's family members have been granted resident permit for the purposes of family reunification, shall not justify a refusal to extend the period of residence.

(8) *(New, SG No. 9/2011)* Refusal to grant long-term residence status may not be justified by the circumstances envisaged in Art. 10 (1), pt. 8. When assessing the refusal for

grant of long-term residence status, the following shall be taken into account: foreigner's period of residence in the Republic of Bulgaria, age, health status, family status, social integration, relations within the country and absence of relations with the country of origin.

(9) *(New, SG No. 9/2011)* The refusal of issuing of residence permit, or the refusal to extend the period of residence shall be reasoned, notified to the persons concerned and may be appealed under the Administrative Procedure Code.

Article 26a. *(Repeal, SG No. 63/2005).*

Article 27. (Last Amendment – SG, No. 23/2013) (1) *(Repeal - SG No. 23/2013)*

(2) The duration of residence of foreigners may not be extended beyond a point in time antedating by six months the expiry of the term of validity of the national foreign-travel documents.

Article 27a. *(Last Amendment, SG No. 28/2008)* The government authorities which, by virtue of a statutory instrument, perform registration of foreigners or of activities performed by foreigners, shall be obligated to verify the type and grounds of the visas issued to foreigners. Should any discrepancy be established between the registration as requested and the type and grounds of the visa as issued, registration shall be refused and the foreigners administrative control services and the State Agency for National Security shall be notified immediately.

Article 27b. *(Last Amendment, SG No. 9/2011)* (1) Any officials who, as a result of the duties performed thereby, establish a change in the legal status or in the activity of foreigners, shall be obligated to notify immediately the foreigners administrative control services.

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

Article 28. (1) *(Repeal, SG No. 63/2005, in force as of 1.01.2006).*

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

(3) *(Last Amendment, SG No. 11/2005)* Any natural or legal person, who or which has provided accommodation to a foreigner, shall notify in writing the service for administrative control of foreigners or the precinct police department exercising jurisdiction over the whereabouts thereof within five days after providing such accommodation, stating the full name, date of birth, citizenship, and number and series of identity document of the foreigner.

(4) Any hotelier or an employee thereof shall register a foreigner in a special register immediately upon accommodation. Information regarding the foreigners accommodated shall be provided by such person daily not later than 6:00 hours at the service for administrative control of foreigners or at the precinct police department exercising jurisdiction over the location of the hotel.

(5) *(Repeal, SG No. 63/2005, in force as of 01.01.2006).*

(6) *(Repeal, SG No. 63/2005, in force as of 01.01.2006).*

(7) *(Last Amendment, SG No. 63/2005, in force as of 01.01.2006)* The residence in the Republic of Bulgaria of the persons referred to in Article 18 (2) and in Item 14 of Article 24 (1) herein shall not be assimilated to the duration required to obtain a permanent residence permit or to acquire Bulgarian citizenship by naturalization.

Article 28a. *(Last Amendment, SG No. 9/2011)* (1) *(Last Amendment, SG No. 54/2002)* Any foreigner, who has not attained the age of 18 years, who has entered Bulgaria on a legal ground unaccompanied by a parent or another adult who is responsible for the said foreigner by virtue of a law or custom, or who has done so accompanied but has been abandoned by any such adult and who has not requested protection under the Asylum and Refugees Act, may be granted extension of the duration of residence within the territory of the Republic of Bulgaria.

(2) The State Agency for Child Protection shall temporarily provide any foreigners referred to in Paragraph (1) with the material support and care required for satisfaction of the basic necessities of life thereof, medical care and due guardianship, including legal assistance and representation, as well as access to free-of-charge education at Bulgarian State and municipal schools, until final settlement of the matter of the residence thereof in Bulgaria but not beyond attainment of the age of 18 years.

(3) *(Last Amendment, SG No. 9/2011)* In the cases where any foreigners referred to in Paragraph (1) are not granted extension of the duration of residence within the territory of the Republic of Bulgaria, the said foreigners shall be returned their family members, custodians or other appropriate receiving centers, in the country of origin thereof, to a third country ready to admit them, or to a country obliged to admit them by virtue of an agreement on delivery and re-admission with the Republic of Bulgaria, subject to the condition that the life and freedom thereof are not jeopardized and they are not endangered by persecution, torture, or inhuman or degrading treatment in such a country.

Article 29. *(Last Amendment, SG No. 9/2011)* (1) *(Last Amendment, SG No. 9/2011)* Foreigners residing in the Republic of Bulgaria on an extended, long-term or permanent basis shall certify the identity thereof according to a procedure established by law.

(2) *(Last Amendment, SG No. 9/2011)* Aliens who reside for an extended period, for a long term or permanently in the Republic of Bulgaria, including those who have lost their citizenship, certify the right of residence in the Republic of Bulgaria with a residence permit in compliance with Regulations (EC) № 1030/2002 of the Council from June 13, 2002 on uniform format for residence permits for citizens of third countries.

(3) *(New, SG No. 9/2011)* In order an extended, long-term or permanent residence permit to be issued the national document for traveling abroad of the foreigner must be valid for at least six months after the date of lodging the application for residence permit.

(4) *(Former Par. (3), SG No. 9/2011)* The procedure for issuing a residence permit under Paragraph (2) is determined by a statement of the Council of Ministers.

Article 30. Any foreigner whereof the foreign-travel document or substitute document has been lost or destroyed shall be obligated to notify immediately the foreigners administrative control services of foreigners of this occurrence.

Article 31. (1) The foreign-travel documents of a foreigner may be temporarily seized:

1. by the competent judicial authorities, where criminal proceedings have been instituted in connection with the commission of a criminal offence at public law;

2. by the competent officials upon placement at the places for implementation of the penal sanction of deprivation of liberty;

3. by the authorities of the Ministry of Interior, where there is reasonable doubt that the documents are counterfeit or forged;

4. by the authorities of the Ministry of Interior, where an order on expulsion, forcible escort to the border, or extradition from Bulgaria has been issued;

5. *(Repeal, SG, No. 29/2007)*;

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

(2) In the cases referred to in Items 1, 2 and 3 of Paragraph (1), the officials who have seized the documents of a foreigner shall draw up a written statement on the basis whereof the foreigners administrative control services shall issue a temporary document certifying the identity of the person.

(3) The foreign-travel document shall be returned to the foreigner when the grounds for the temporary seizure of the said documents lapse.

(4) The foreign-travel documents of foreigners enjoying diplomatic immunity in the Republic of Bulgaria may not be seized, unless otherwise provided for in the international treaties whereto the Republic of Bulgaria is a party.

Article 32. The foreign-travel documents of foreigners may not be given or accepted as pledge, nor ceded or used by another person.

Article 33. *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* (1) *(Last Amendment, SG No. 9/2011)* Any foreigners who have been permitted long-term or permanent residence in the Republic of Bulgaria, as well as the members of the family of a foreigner who has received long-term residence permit, may take up employment according to the procedure established for Bulgarian citizens.

(2) *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* Any foreigners who reside within the territory of the Republic of Bulgaria on a sort-term or extended basis may perform work under an employment relationship or as persons on a business trip under employment contract, solely after obtaining a permit or registration from the authorities of the Ministry of Labour and Social Policy.

(3) *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* Any foreigners who have been granted a work permit or registration under Paragraph (2) may work solely for the employer or the local person, and for the period of time, specified in the work permit or registration.

Chapter Three 'a'

Residence of Foreigner Who Has Received Long-Term Residence Permit in Another Member State of the European Union

(Last Amendment, SG No. 9/2011)

Article 33a. ***(Last Amendment, SG No. 9/2011)*** (1) ***(Last Amendment, SG No. 9/2011)*** **Foreigner who has received long-term residence permit in another Member State of the European Union may receive extended residence permit in the Republic of Bulgaria:**

1. if he/she is a worker, employee of a self employed person in the Republic of Bulgaria;

2. for the purpose of study, including professional training in an educational establishment;

3. (New, SG No. 9/2011) for another purpose.

(2) (Last Amendment, SG No. 9/2011) An extended residence permit shall be issued to the foreigner under paragraph 1 if he/she complied with the terms referred to in Article 24, paragraph 2 and if he/she presents:

1. a work permit in the Republic of Bulgaria – if he/she is a worker or employee;

2. documents that he/she has permission to perform an activity as self-employed and commands the required resources for engaging in business activities – if he/she is self employed;

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

4. (New, SG No. 9/2011) documents related to the circumstances under Art. 24 (2).

Article 33b. (Last Amendment - SG No. 53/2014) (1) (Last Amendment, SG No. 9/2011) Within three months after his/her entry into the territory of the Republic of Bulgaria the foreigner shall submit to the services for administrative control of foreigners an application for issuing an extended residence permit on the territory of the Republic of Bulgaria.

(2) (Last Amendment - SG No. 53/2014) The application shall be transferred to the Ministry of Internal Affairs General Directorate "Border Police" which shall examine it within four months after its submission.

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

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

Article 33c. (Last Amendment, SG No. 9/2011) (1) (Last Amendment, SG No. 9/2011) The extended residence permit shall be issued for a term of one year.

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

Article 33d. (Last Amendment, SG No. 9/2011) (1) (Last Amendment, SG No. 9/2011) When the foreigner under Art. 33a (1) has right to residence in the Republic of Bulgaria and when his family was already constituted in the Member State of the European Union, which has issued the long-term residence permit, the members of his/her family have the right to accompany or to join the foreigner.

(2) (Last Amendment, SG No. 9/2011) In order to obtain an extended residence permit for the members of the family they shall submit to the territorial service for administrative control of foreigners the following:

1. a standard foreign travel document;
2. (Last Amendment, SG No. 9/2011) the documents referred to in Article 24, paragraph 2 save for the documents for provided dwelling place;
3. their long-term residence permit or a residence permit in another European Union member-state;
4. proof that they have resided in the capacity of members of the family of a foreigner residing in another European Union member-state.

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

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

Article 33e. (Last Amendment - SG No. 53/2014) The Ministry of Internal Affairs General Directorate "Border Police" shall notify the other European Union Member State of the granted right to extended residence of the foreigner referred to in Article 33a, paragraph 1.

Article 33f. (Repeal, SG No. 9/2011).

Article 33g. (Last Amendment, SG No. 43/2011, in force as of 15.06.2011) (1) (Last Amendment, SG No. 9/2011) When grounds exist to refuse or revoke extended residence the authorities of the Ministry of Interior shall return forthwith and without any formalities the foreigner referred to in Article 33a, paragraph 1 or the members of his/her family to the European Union member-state in which they have a long-term residence permit.

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

(3) (New, SG No. 43/2011, in force as of 15.06.2011) Republic of Bulgaria immediately and with no formalities accepts back a foreigner to whom a long-term residence permit has been granted as well as the members of the such foreigner's family, where residence right has been withdrawn or denied by another Member State of the European Union.

Article 33h. (Last Amendment - SG No. 23/2013, in force as of 01.05.2013) (1) (Last Amendment, SG No. 109/2007) When the foreigner referred to in Article 33a, paragraph 1 or the members of his/her family present a serious threat to public safety and order the authorities of the Ministry of Interior or of the State Agency for National Security may expel them from the territory of the European Union even before they have received entitlement to long-term residence in the Republic of Bulgaria after coordination with the competent authorities of the other European Union member-state in which they have a long-term residence permit.

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

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

(4) (New - SG, No 23/2013, in force as of 01.05.2013) A foreigner, possessing a residence permit of a long-term resident in the European Union in the first Member State on the basis of an international protection granted by this Member State, which has not been taken away, may be expelled from the country prior receiving his or her long-term residence

in the Republic of Bulgaria permit, if there are grounds for considering that he or she poses a serious threat to the national security, or who, as a convicted with a serious crime sentence entered into effect, poses a threat to the public order.

(5) *(New - SG, No 23/2013, in force as of 01.05.2013)* Upon expelling from the country of a foreigner who has obtained a long-term residence permit on the basis of international protection in another state- Member State of the European Union, the competent body under art.44, para.1 through the bodies of the State Agency for Refugees makes a request to this Member State for confirmation of the presence of an international protection status.

(6) *(New - SG, No 23/2013, in force as of 01.05.2013)* Upon request of another Member State, the State Agency for Refugees provides information, within one month after the receipt of the request, related to the presence or the absence of international protection status granted by the Republic of Bulgaria.

(7) *(New - SG, No 23/2013, in force as of 01.05.2013)* Upon confirmation of the international protection status, the foreigner under para.5 and the members of his or her family are expelled immediately in the Member State which has granted the international protection.

(8) *(New - SG, No 23/2013, in force as of 01.05.2013)* The foreigner whose presence in the country poses a serious threat to the national security or who, as a convicted with a sentence for a serious crime which has entered into force, poses a threat to the public order, may be expelled in a country, different from the Member State which has granted the international protection status upon observance of the requirement under art.44a, para.1.

(9) *(New - SG, No 23/2013, in force as of 01.05.2013)* The Republic of Bulgaria immediately accepts a foreigner whom it has granted an international protection, as well as his family, in case another state- Member State of the European Union takes an expulsion decision.

Article 33i. *(New, SG No. 9/2011)* (1) Foreigner with a durable residence permit for the Republic of Bulgaria as a second Member State of the European Union, who has acquired right to extended residence under Art. 24d, may be granted long-term residence permit on the basis of lodged application.

(2) The authorities exercising administrative control over foreigners notify the first Member State for the long-term residence right granted to the foreigner.

(3) *(New - SG, No 23/2013, in force as of 01.05.2013)* Upon issuance of a long-term resident's in the European Union residence permit to a foreigner with an international protection granted in the first Member State, in the field "notes" the international protection, granted by the respective state- member State is entered along with the date of its granting.

(4) *(New - SG, No 23/2013, in force as of 01.05.2013)* The entry under para.3 is made by the competent bodies of the Ministry of Foreign Affairs after consultations made by the State Agency for Refugees with the first Member State during which it is confirmed that the

international protection status granted is not withdrawn by virtue of a decision which has entered into effect.

(5) *(New - SG, No 23/2013, in force as of 01.05.2013)* Upon inquiry made by another Member State, the State Agency for Refugees provides information related to the presence or the absence of international protection status granted by the Republic of Bulgaria as a first Member State within one month after the receipt of the inquiry.

(6) *(New - SG, No 23/2013, in force as of 01.05.2013)* Upon granting of international protection by the Republic of Bulgaria, prior the foreigner to be issued a long-term resident's in the European Union residence permit by the competent structures of the Ministry of Foreign Affairs, the State Agency for Refugees notifies the Member State which has issued such a permit for the performance of listing in accordance with art.24e, para.3.

(7) *(New - SG, No 23/2013, in force as of 01.05.2013)* Upon shifting of responsibility for international protection upon the Republic of Bulgaria with reference to a foreigner who has been issued a long-term resident's in the European Union residence permit by the competent structures of the Ministry of Foreign Affairs, the listing under para.3 is changed in accordance with art.24e, para.3 within three months after the issuance of a Bulgarian identity document in accordance with Bulgarian Identity Documents Act.

(8) *(New - SG, No 23/2013, in force as of 01.05.2013)* The change of the long-term resident's in the European Union residence permit, issued by the competent structures of the Ministry of Foreign Affairs in the field "notes" is made on the basis of a notification made by a Member State that it has taken the responsibility for the international protection of the foreigner prior it has issued such a permit. The changed permit is issued within three months after the receipt of the notification.

Chapter Three 'b'

(New, SG No. 9/2011, in force as of 01.06.2011)

Residence Of Third-Country Nationals For The Purposes Of Highly Qualified Employment

Article 33j. *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* (1) *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* Residence and employment permit of the type "EU Blue Card" may be received by foreigners who have visa under Art. 15 (1) and are highly qualified professional within the meaning of the Employment Promotion Act.

(2) *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* Residence and employment permit of the type "EU Blue Card" is issued by the authorities of the Ministry of Labour and Social Policy for a period of one year and is renewed in case that there are grounds for its reissue. In case that the

employment contract is for a term shorter than one year the permit is issued for a period equal to the duration of the contract plus three months.

(3) The members of the family of the EU Blue Card holder may receive extended residence permit, valid for the period of residence of the EU Blue Card holder. For a residence permit for the family members to be issued, the requirements of Art. 24 (2) must be met.

(4) The terms and conditions for issuing of permit under pars. 1- 3 are established by the Rules on application of this Act.

Article 33k. *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* (1) After eighteen months of legal residence in a Member State of the European Union as an EU Blue Card holder, the person concerned and his family members may move to the Republic of Bulgaria for the purpose of highly qualified employment. An application for an EU Blue Card shall be submitted not later than one month after the foreigner has entered on the territory of the Republic of Bulgaria.

(2) If the EU Blue Card issued by the first Member State expires during the procedure for issuing of EU Blue Card in the Republic of Bulgaria, the authorities exercising administrative control over foreigners issue temporary residence permit allowing the applicant to continue to stay legally on the territory of the Republic of Bulgaria until a decision on the application has been taken by the competent authorities

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

(4) *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* When the holder of EU Blue Card issued in another Member State moves to the Republic of Bulgaria under par. 1, and when his family was already constituted in the Member State, the members of his/her family have the right to accompany or to join the EU Blue Card holder. The members of the family of the EU Blue Card holder may be granted temporary residence permit under the rules of par. 2.

Article 33l. (New, SG No. 9/2011, in force as of 01.06.2011)
(1) EU Blue Card holder may receive a long-term resident status in the Republic of Bulgaria after five years of legal and continuous residence within the territory of the Community as an EU Blue Card holder, of which the last two years on the territory of the Republic of Bulgaria.

(2) The five year period under par. 1 is not interrupted by periods of absence of the EU Blue Card holder from the territory of the Member States of the European Union for the purposes of exercising economic activity as employed or self-employed person, for carrying out voluntary activity, or for study in the country of origin, if these periods are shorter than 12 consecutive months and do not exceed in total 18 months within the framework of the five-year period.

(3) The EU Blue Card holder who has acquired long-term residence status in the Republic of Bulgaria receives residence permit in compliance with the requirements of 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" is entered in the "notes" field.

Article 33m. (New, SG No. 43/2011, in force as of 15.06.2011)
The period of unemployment is not a ground for withdrawal of the EU Blue Card or denial of extension of the period of residence of the Card holder, provided that the unemployment period does not exceed three consecutive months and occurs no more than once within the period of validity of the EU Blue Card.

Article 33n. (New, SG No. 43/2011, in force as of 15.06.2011)
EU Blue Card holder family members may receive their own extended residence permits under the terms and conditions of Art. 24f (4).

Chapter Four

Exit of Foreigners from The Republic of Bulgaria

Article 34. Each foreigner shall be obligated to leave Bulgaria upon or before expiry of the authorized duration of stay thereof.

Article 35. (Last Amendment, SG No. 9/2011) (1) Any foreigner residing on a short-term basis whereof the foreign-travel document has been replaced by a new one may leave Bulgaria after notifying the foreigners administrative control services of the said replacement, save as otherwise provided for in an international treaty whereto the Republic of Bulgaria is a party.

(2) Any foreigner who holds an extended residence permit may leave and re-enter Bulgaria without a visa until expiry of the authorized duration of residence.

(3) *(Last Amendment, SG No. 9/2011)* Any foreigner who holds a long-term or a permanent residence permit may leave and re-enter Bulgaria without a visa.

Article 36. Foreigners may exit the Republic of Bulgaria through the places designated on the grounds of foreign-travel documents and other substitute documents entitling the said foreigners to leave Bulgaria.

Article 37. A foreigner may not leave Bulgaria if a coercive administrative measure barring exit has been imposed thereagainst.

Article 38. Any foreigner who leaves the Republic of Bulgaria by a means of transport by land, by air or by water, must be in possession of all documents referred to in Items 2 and 3 of Article 21 (1) herein, as well as of an export licence for the means of transport, if necessary.

Article 39. Foreigners shall be surrendered in connection with the commission of a criminal offence shall be surrendered under the terms and according to the procedure established by the Bulgarian laws and by the international treaties whereto the Republic of Bulgaria is a party.

Chapter Five

Administrative Enforcement Measures

Section I

Coercive Administrative Measures

Article 39a. *(Last Amendment – SG, No. 23/2013) (1) (Former text of art. 39a – SG, No. 23/2013, applicable after entry to force of Council’s decision on the full application of the provisions of the Schengen legislation in Bulgaria)* The following coercive administrative measures may be imposed on foreigners under this Act:

1. withdrawal of the entitlement to reside in the Republic of Bulgaria;
2. forcible escort to the border of the Republic of Bulgaria
3. expulsion;
4. *(last amendment – SG, No. 23/2013)* bar to entering the territory of a member state of the European Union;
5. bar to leaving the Republic of Bulgaria.

(2) (*New - SG, No. 23/2013*) Upon implementation of compulsory administrative measures under para.1, pt.2 and 3 an oversight by the Ombudsman of the Republic of Bulgaria or administrative officials authorized by him or her, as well as by representatives of national or international non-governmental organizations is performed.

Article 39b. (*Last Amendment - SG No. 23/2013*) (1) (*Last Amendment - SG No. 23/2013*) In the order for imposing of a compulsory administrative measure in compliance with Article 39a, par. 1, pt. 1 and 2 it is determined that within a period of 7 to 30 days the alien is supposed to comply voluntarily with the obligation to return.

(2) (*Last Amendment, SG No. 9/2011*) For the providing of a period for a voluntary departure of more than 30 days the alien fills an application to the competent authority issued the order in compliance with Paragraph (1), which passes a judgment and notify the alien within three days. In such cases the specific circumstances in each case are taken into account, such as: length of stay, health condition, vulnerable group needs, children visiting school and other family and social ties. The term for voluntary departure may be extended for no more than one year.

(3) When there is a permission for a voluntary departure, but there is a possibility that the alien may hide, the competent authority which has issued the order in compliance with Paragraph (1), may issue an order of daily appearance at the territorial structure of the Ministry of Interior of residence.

(4) In the event that the person is a threat to the national security or the public order, the competent authority does not provide a period for a voluntary departure.

Article 40. (*Last Amendment – SG, No. 108/2013*) (1) Withdrawal of the entitlement of a foreigner to reside in the Republic of Bulgaria shall be imposed where:

1. (*last amendment, SG No. 108/2013*) the grounds referred to in Art. 24, 24a, 24b, 24c, 24ee, Art. 25, (1), pts. 6, 7, 8, 13, 16 and 17, Art. 25b, 25c, 33aa, 33d, 33j and 33k have stopped to exist as well as when the deposit with reference to which the foreigner has received a permanent residence permit is revoked or transferred to another person prior the expiration of the period specified by law, regardless of the reasons for the revocation or the transfer;

2. (*Last Amendment, SG No. 9/2011*) the grounds covered under Article 10, (1), pts. 1 - 4, 6 - 11, 14, 16, 20 - 22 as well as in the cases under Art. 26 (3);

3. it is established that the information provided for obtaining such entitlement is untrue;

4. (*Last Amendment, SG No. 9/2011*) the marriage has been dissolved prior to the lapse of seven years after the contracting thereof in the cases referred to in Item 2 of Article 25 Paragraph 1 herein;

5. (*Last Amendment - SG No. 23/2013*) the foreigner has failed to settle in Bulgaria within one year after the grant of a permit and does not reside within Bulgarian territory, exception in the cases referred to in Paragraph 1, Items 6, 7, 8, 13 and 16 of Article 25 herein, as well as in the cases referred to the members of the foreigner's family under Art. 25, par. 1, pt. 6, 7, 8, 13 and 16;

6. (*Last Amendment, SG No. 16/2013*) it is established that the foreigner who has received long-term or permanent residence permit has been absent from the territory of the Member States of the European Union for 12 consecutive months, save in cases of permitted permanent residence under Art. 25 (1), pts. 6,7, 8, 13 and 16, as well as with regard to family members of a person under Art. 25 (1), pts. 6, 7, 8 and 13;

7. (*Last Amendment, SG No. 9/2011*) refugee or humanitarian status or temporary protection granted under the Asylum and Refugees Act are revoked or terminated.

8. (*New, SG No. 52/2007*) asylum granted under the Asylum and Refugees Act is revoked;

9. (*New, SG No. 9/2011*) the foreigner who has received long-term residence permit, has acquired the status of long-term resident in another Member State of the European Union;

10. (*New, SG No. 9/2011*) it is found that the marriage with a Bulgarian citizen has been terminated less than five years after it has been entered into;

11. (*New, SG No. 9/2011, in force as of 01.06.2011*) EU Blue Card holder who has received long-term residence permit in the Republic of Bulgaria or members of his/her family who have received long-term residence permit, have been absent from the territory of the Member States of the European Union for 24 consecutive months;

12. (*New, SG No. 9/2011, in force as of 01.06.2011*) it is found that an EU Blue Card holder resides with a purpose different from the one for which the residence permit has been granted, as well as when the holder has violated the conditions for access to the labor market under the legislation of the Republic of Bulgaria.

(2) (*Last Amendment, SG No. 9/2011, in force after the entry into force of a decision of the EU Council for full implementation by the Republic of Bulgaria of the provisions of the acquis of the Schengen Law*) In the cases under Art. 10 (1), pt. 19 the right to residence may be withdrawn after consultations with the Member State, which has issued the alert for refusal of entry.

(3) (*New, SG No. 9/2011*) The right to long-term residence shall be withdrawn in the cases under par. 1, pts. 3, 6, 9 and 11 and Art. 42 (1), when the foreigner represents real and serious threat for the national security and public order.

(4) (*New, SG No. 9/2011*) The right of long-term or permanent residence is always withdrawn in case of 6-year period of absence from the territory of the Republic of Bulgaria.

(5) (*New, SG No. 9/2011*) The right to residence of a foreigner, who has received residence permit for the Republic of Bulgaria under Chapter Three "a" and of his/her family members shall be withdrawn in the cases under par. 1, pts. 1 and 2, with exception of the cases under Art. 10 (1), pt. 8, and also when the persons reside illegally on the territory of the country.

(6) (*Former Par. (3), Last Amendment, SG No. 9/2011*) A copy of the order which has entered into force on withdrawal of the entitlement of a foreigner to reside for a long term or permanently in the Republic of Bulgaria shall be sent to the municipality of his/her permanent address to be entered into the register of the population.

Article 41. (*Last Amendment, SG No. 36/2009*) Forcible escort to the border of the Republic of Bulgaria shall be imposed where:

1. the foreigner is unable to certify the entry thereof into Bulgaria according to the statutory procedure;

2. (*Last Amendment, SG No. 36/2009*) the foreigner fails to leave Bulgaria upon or before expiry of the authorized duration of residence thereof, or in the said terms of Article 39b.

3. it is established that the foreigner has entered into Bulgaria and resides therein under a counterfeit or forged foreign-travel document or on a substitute document.

Article 42. (*Last Amendment – SG, No. 23/2013*) (1) (*Last Amendment - SG, No23/2013*) Expulsion of a foreigner is imposed when:

1. his or her presence in the country poses a serious threat to the national security or the public order;

2. the presence of grounds under art.10, para.1, pt.1-4 is ascertained.

(2) (*Last Amendment - SG, No23/2013, applicable after entry to force of Council's decision on the full application of the provisions of the Schengen legislation in Bulgaria*) The entitlement of the foreigner to reside in the Republic of Bulgaria shall be forfeited and a bar to entering the territory of the member states of European Union shall be imposed concurrently with the imposition of the coercive administrative measure referred to in Paragraph (1).

(3) (*New, SG No. 9/2011*) Expulsion shall be also imposed on a foreigner, who has residence permit, or another permit granting the right to residence, issued by another Member State, if the foreigner does not return to that Member State within 7 days after his/her illegal residence has been found.

(4) (*Last Amendment - SG No. 23/2013*) Prior the expulsion of foreigner having long-term residence permit, the following factors shall be taken into account: foreigner's period of residence in the Republic of Bulgaria, age, health status, family status, social integration, relations within the country and absence of relations with the country of origin. Expulsion can not be based on economic considerations

Article 42a. (*New, SG No. 29/2007*) A foreigner residing on the territory of the Republic of Bulgaria to whom an expulsion decision has been issued by the competent authorities of another European Union member-state shall also be expelled.

Article 42b. (*New, SG No. 29/2007*) (1)The expulsion referred to in Article 42a shall be carried out when the expulsion decision has not been cancelled or suspended from execution by the European Union member-state that has issued it also when:

1. the foreigner poses a serious and real threat to public order or to national security due to the fact that:

a) there is a sentence in relation to him/her for a crime for which imprisonment of at least one year has been imposed;

b) there is sufficient data that he/she has committed a serious crime or there is sufficient data of his/her intention to commit such a crime on the territory of a European Union member-state.

2. the decision to expel the foreigner shall be on the grounds that he/she does not comply with the provisions of the legislation on entering and residing of foreigners in the European Union member-state that has issued it.

(2) In the cases referred to paragraph 1, item 1 when the foreigner holds a residence permit for the Republic of Bulgaria Article 42, paragraph 2 shall also apply.

Article 42c. *(New, SG No. 29/2007)* (1) The expulsion referred to in Article 42a shall be carried out after receiving from the competent authorities of the European Union member-state that has issued the expulsion decision confirmation that it has not been cancelled or suspended as well as documents confirming the identity of the foreigner.

(2) The execution of the expulsion decision issued by the competent authorities of another European Union member-state may be contested under the procedure of the Code of Administrative Procedure.

Article 42d. *(New, SG No. 29/2007)* The expulsion referred to in Article 42a shall not be executed when a special law or an international agreement to which the Republic of Bulgaria is a party provide otherwise.

Article 42e. *(New, SG No. 29/2007)* The authorities of the Ministry of Interior shall notify the competent authorities of the other European Union member-state that have issued the expulsion decision of its execution or of the existence of grounds for its non-execution.

Article 42f. *(New, SG No. 29/2007)* When expulsion cannot take effect at the expense of the foreigner that is being expelled the authorities of the Ministry of Interior shall notify the competent authorities of the other European Union member-state that have issued the expulsion decision of the costs incurred in relation with its execution. The procedure for the notification shall be set out in the Regulation on the implementation of this act.

Article 42g. *(Last Amendment, SG No. 109/2007)* The authorities of the Ministry of Interior and of the State Agency for National Security, on the grounds of Article 42b, paragraph 1 may issue an expulsion order and require its execution by the competent authorities of the other European Union member-state in relation to a foreigner residing on its territory.

Article 42h. *(Last Amendment - SG No. 23/2013)* (1) *(Last Amendment - SG No. 23/2013, applicable after entry to force of Council's decision on the full application of the provisions of the Schengen legislation in Bulgaria)* A bar to enter the territory of the member states of the European Union shall be imposed where the grounds covered under Article 10 (1) herein exist.

(2) *(Repeal, SG No. 9/2011).*

(3) *(Last Amendment - SG No. 23/2013, applicable after entry to force of Council's decision on the full application of the provisions of the Schengen legislation in Bulgaria)* The Ban for an entry in the Republic of Bulgaria is issued for a period of 5 years. The ban for

entry in the territory of the member states of the European Union may be issued for a period longer than 5 years where the person poses a serious threat to the public order or the national security.

(4) *(Last Amendment, SG No. 9/2011)* A bar to enter may be imposed simultaneously with the coercive administrative measure referred to in Item 2 of Article 40 (1), or in Article 41 herein, when the grounds covered under Article 10 (1) herein exist.

Article 43. *(Last Amendment - SG No. 23/2013)* (1) A bar to leave the Republic of Bulgaria shall be imposed on a foreigner who:

1. has been convicted by an effective sentence and has not served the custodial sentence as imposed;

2. *(repeal - SG No. 23/2013)*

3. *(repeal - SG No. 23/2013)*

(2) *(Repeal, SG No. 9/2011).*

(3) A foreigner who has not attained the age of 18 years and who holds Bulgarian citizenship as well shall be barred from leaving the Republic of Bulgaria where one of the parents of the said foreigner is a Bulgarian citizen and has not granted written consent to the travel of the said foreigner abroad.

Article 44. *(Last Amendment - SG No. 53/2014)* (1) *(Last Amendment - SG No. 53/2014)* Coercive administrative measures shall be imposed by an order of the Chairperson of the State Agency for National Security, the Directors of Chief Directorates "State Border Police" and "Security Police", the Directors of the capital and regional directorates and the directors of the "Security Police" Regional Directorates of the Ministry of Interior or persons duly authorized thereby. The factual grounds for imposition of any specific coercive administrative measure, in case such contain classified information, shall be laid down in a separate document drawn up by the relevant officials in accordance with the Protection of Classified Information Act.

(2) *(Last Amendment, SG No. 9/2011)* When imposing a compulsory administrative measures the competent authorities consider the length of residence of the foreigner in the territory of the Republic of Bulgaria, the categories of vulnerable persons, the existence of pending procedures under the Asylum and Refugees Act or procedures for renewal of the residence permit or another permit, the family status of the foreigner, as well as the presence of family, cultural and social ties with the country of origin.

(3) *(Last Amendment, SG 29/2007)* The orders imposing coercive administrative measures shall be executed by the foreigners administrative control services or by the border control authorities, as the case may be, upon their coming into effect, unless the authority who issued the order has admitted anticipatory execution.

(4) The following shall be subject to immediate execution:

1. any orders whereby the entitlement to residence in the Republic of Bulgaria is forfeited due to existence of the grounds referred to in Item 1 of Article 10 (1) herein;

2. *(last amendment – SG, No. 23/2013, applicable after entry to force of Council's decision on the full application of the provisions of the Schengen legislation in Bulgaria)* any orders imposing a bar to entering the territory of the member-states of the European Union due to existence of the grounds referred to in Item 1 of Article 10 (1) herein;

3. any expulsion orders.

(5) *(Last Amendment - SG No. 23/2013)* Where there are obstacles to a foreigner leaving Bulgaria immediately or to entering another country, any such foreigner shall be obligated by an order issued by the authority who issued the order imposing the coercive administrative measure to report weekly at the territorial structure of the Ministry of Interior exercising jurisdiction over the place of residence thereof according to a procedure established by the Regulations for Application of this Act, unless barriers to the implementation of the deportation or expulsion, drop out and measures for the forthcoming decommissioning are scheduled.

(6) *(Last Amendment - SG No. 23/2013)* In the cases where the alien, who has been imposed upon a compulsory administrative measure in compliance with Article 39a, par. 1, pt. 2 and 3, is declared with an uncertain identity, prevent the execution of the order or there is a possibility of his hiding, the authority, which has issued the order, may issue an order for a compulsory accommodation of the alien in a specific shelter for a temporary accommodation of aliens in order to organize their compulsory walking off to the border of the Republic of Bulgaria or their expulsion.

(7) *(Last Amendment, SG No. 53/2014)* Special accommodations for temporary placement of foreigners under order for forcible escort to the border of the Republic of Bulgaria or under an expulsion order shall be established with the General Directorate "Border Police".

(8) *(New, SG No. 53/2014)* The Accommodation lasts to the decline of the circumstances under Paragraph (6), but not more than 6 months. Every month the competent authorities under (1) together with the director of General Directorate "Border Police" made official examinations for the reasons of forced accommodation. An exception can be made when the person refuses to assist the competent authorities, there is a delay in the process of obtaining the necessary documents for the removal or expulsion or when the person is a threat to the national security or the public order, and the period of accommodation may be extended further to 12 months. When in order of the circumstances of the case is found that there is no reasonable possibility by legal or technical reasons for forced removal of the foreigner, the person is released immediately.

(9) *(Last Amendment - SG No. 23/2013)* Exceptionally, if there are circumstances under Paragraph (6) for the accompanied juveniles or minors it is issued an order for a compulsory accommodation in a special shelter up to three months. At the Special shelters referred to in Paragraph (7), there are separated rooms for the accommodation of juvenile and minor aliens that meet their certain needs and requirements. Involuntary detention does not apply to unaccompanied minors. The body which issued the imposing of the compulsory administrative measure shall notify the Directorate "Social Assistance" which takes measures to protect under the Child Protection Act.

(10) *(Former par. 8 – Last Amendment, SG No. 36/2009)* Foreigners shall be placed at such special accommodations on the basis of a coercive placement order issued by

competent officials of the Ministry of Interior and any such order shall expressly state the need of such placement and the legal ground, and a copy of the order referred to in Paragraph (6) shall be attached thereto.

(11) (*Former par. 9 – Last Amendment, SG No. 36 / 2009*) The procedure for a temporary accommodation of aliens, including juveniles and minors, in special shelters and the organization of their activity is determined by regulations of the Minister of Interior.

Article 44a. (*Last Amendment - SG No. 23/2013*) (1) (*Former text of art. 44a - SG No. 23/2013*) No foreigner under a coercive administrative measure of expulsion shall be expelled to a country where the life and freedom thereof are jeopardized and the said foreigner is endangered by persecution, torture, or inhuman or degrading treatment.

(2) (*New - SG, No 23/2013*) When the circumstances under para.1 are ascertained by a legal act which has entered into effect, the foreigner is issued and handed an order by the body, issued the expulsion order in which the prohibition of expulsion and the country in which the foreigner must not be expelled is explicitly indicated. The order is not subject to appeal.

(3) (*New - SG, No 23/2013*) The foreigner is obliged to report once a week to the regional structure of the Ministry of Foreign Affairs in his or her place of residence.

(4) (*New - SG, No 23/2013, in force as of 01.05.2013*) In case that one year after the issuance of the order under para.2 the expulsion in a third safe country is not made, the foreigner is allowed a temporary access to the labour market under the terms and procedure of the ordinance under art.74, para.1 of the Encouragement of Employment Act- until implementation of the expulsion.

Article 44b. (*Last Amendment, SG No. 52/2007*) (1) (*Previous text of Article 44b*) Where immediate expulsion or forcible escort of a foreigner to the border is impossible, or where execution of the said measures has to be postponed for reasons of legal or technical nature, the authority who has issued the order imposing the coercive administrative measure shall postpone the execution of the said measure until the lapse of the obstacles to the execution thereof.

(2) (*New, SG No. 52/2007*) If upon expiration of the temporary protection period granted under the Asylum and Refugees Act it is not possible to expel or forcefully take a foreigner to the national border or those measures should be postponed for health or humanitarian reasons, the authority which has issued the order to enforce the respective compulsory administrative action shall postpone its effectuation until the obstacles to its implementation are no longer in place.

Article 44c. (*New, SG No. 9/2011, in force after the entry into force of a decision of the EU Council for full implementation by the Republic of Bulgaria of the provisions of the acquis of the Schengen Law*) Issuance of alert in the Schengen Information System for the purpose of refusing entry is performed on the grounds of the following acts which have entered into force:

1. refusals issued on the grounds of Art. 10 (1), pts. 1 - 4, 6 - 8, 10, 11, 14, 16, 20 - 22 and Art. 26;

2. orders imposing compulsory administrative measures under Art. 39a, pts. 1 - 4.

Article 45. *(Last Amendment, SG No. 43/2011, in force as of 15.06.2011)* (1) The costs related to the residence and deportation from Bulgaria of a foreigner that has entered the country on an invitation of a natural or a legal person of whom it is established that he/she does not comply with the legal requirements for the residence of foreigners in the Republic of Bulgaria shall be for the account of the host.

(2) *(Last Amendment, SG No. 36/2009)* In the cases referred tin paragraph 1 the expenses for deporting the foreigner from the country shall be collected by the National Revenue Agency under the procedure provided for in the National Revenue Agency Act.

(3) *(New, SG No. 52/2007)* Costs related to taking a foreigner out of the country in compliance with an Asylum and Refugees Act Resolution to transfer a foreigner to the country which is competent to review his/her request for acquiring a status shall be covered by the state budget.

(4) *(New, SG No. 43/2011, in force as of 15.06.2011)* Costs related to the return and re-acceptance of EU Blue Card holders and their family members, issued by another Member State shall be covered by the candidates and/or their employers.

Article 46. *(Last Amendment - SG No. 23/2013)* (1) *(Last Amendment, SG No. 29/2007)* The orders imposing coercive administrative measures may be appealed under the terms and according to the procedure established by the Code of Administrative Procedure

(2) *(Last Amendment, SG No. 29/2007)* The orders on:

1. withdrawal the entitlement to residence in the Republic of Bulgaria;

2. *(Last Amendment - SG No. 23/2013, applicable after entry to force of Council's decision on the full application of the provisions of the Schengen legislation in Bulgaria)* imposing a bar to enter the territory of the member-states of the European Union on the grounds of Article 10, paragraph 1, item 1; and

3. expulsion

shall be subject to appeal before the Supreme Administrative Court whose decision shall be final.

(3) Any orders covered under Paragraph 2 shall not indicate the factual grounds for imposition of the coercive administrative measure.

(4) An appeal against any order covered under Paragraph 2 shall not stay the execution of the said order.

Article 46a. *(Last Amendment - SG No. 23/2013)* (1) *(Last Amendment - SG No. 23/2013)* The Order for a compulsory accommodation in a special shelter can be appealed within fourteen days of the actual accommodation under the terms and conditions of the Administrative Procedure Code. The appeal does not suspend the execution of the order.

(2) *(Last Amendment, SG No. 9/2011)* The Court referred to in Paragraph (1) consider the appeal in open meeting and passes judgment within one month from the case institution. Appearance of the person in court is not mandatory. The decision of the court of first instance

may be appealed before the Supreme Administrative Court, who announces its decision within two months.

(3) Every 6 months the director of the special shelter for a temporary accommodation of aliens presents a list of the aliens who have resided in it for more than 6 months due to obstacles occurred for their walking off the country. The list is sent to the administrative court of the area where specific shelters are located.

(4) (*Last Amendment, SG No. 9/2011*) After the expiration of each 6 months of accommodation in the special shelter for temporary accommodation of aliens, the court ex officio or upon an application by the alien concerned passes a decision in a closed session, for extension, change or for termination of the accommodation. The decision is subject to appeal under the terms and conditions of the Administrative Procedure Code.

(5) When the court reverses the appealed judicial writ for a compulsory accommodation or determine the release of the alien, he is immediately released from the special shelter.

Article 46b. (*Former art. 46a - SG No. 36/2009*) The government authorities which exercise powers in connection with the terms and procedure whereunder foreigners enter, reside in and leave the Republic of Bulgaria shall cooperate with the competent authorities of other States in combating illegal migration and in the implementation of expulsions.

Article 46c. (*New, SG No. 43/2011, in force as of 15.06.2011*) The Republic of Bulgaria accepts immediately and with no formalities holders EU Blue Card issued by Bulgaria and their family members, including in cases where the EU Blue Card has expired or has been seized during review of application.

Article 47. (*Repeal, SG No. 42/2001*).

Section IA

Request for Assistance in the Cases of Transit for Deporting a Foreigner outside the Territory of the Republic of Bulgaria by Air Addressed by the Authorities of the Ministry of Interior to the Competent Authorities of Another European Union Member-State

(New Section, SG No. 29/2007)

Article 47a. (1) The authorities of the Ministry of Interior may request with a written application assistance from the competent authorities of another European Union member-state in the cases of transit for deporting a foreigner outside the territory of the Republic of Bulgaria by air in case there is no possibility to use direct flight to the state that is the end destination of the journey.

(2) Air transit may not be requested when a change of airport is required on the territory of the other European Union member-state to which the application for assistance is addressed.

Article 47b. (1) The application shall be addressed to the competent authorities of another European Union member-state whose assistance is requested forthwith but not later than two days before the transit date.

(2) Air transit through the territory of another European Union member-state shall be carried out after receiving the permission of its competent authorities.

(3) In case the competent authorities of the other European Union member-state to which the application is addressed fail to respond within the time-limit referred to in paragraph 1 the actions on the transit may commence after the authorities of the Ministry of Interior notify its competent authorities of carrying out the transit.

Article 47c. (1) A foreigner shall be accepted immediately on the territory of the Republic of Bulgaria when:

1. an air transit permission through the territory of the other European Union member-state has been refused or withdrawn;

2. the foreigner has entered without permission the territory of the other European Union member-state through which the transit has been carried out;

3. the deportation of the foreigner for transit through another European Union member-state or to the end destination state has not been carried out or he/she has not boarded the connection flight;

4. the air transit cannot take place due to other reasons.

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

Section Ib

Rendering Assistance to the Competent Authorities of Another European Union Member-State in Cases of Air Transit of a Foreigner Through the Republic of Bulgaria

(New Section, SG No. 29/2007)

Article 47d. The authorities of the Ministry of Interior may render assistance to the competent authorities of another European Union member-state for air transit of a foreigner through the territory of the Republic of Bulgaria in case of a submitted application in writing.

Article 47e. (1) The authorities of the Ministry of Interior shall notify the competent authorities of the other European Union member-state which have addressed the transit application of the decision to carry out the transit as well as of the possibilities of taking some of the measures referred to in Article 47g within two days after receiving the application.

(2) In exceptional cases the term under paragraph 1 may be extended by at most two days. The need to extend the term shall be substantiated.

(3) If the authorities of the Ministry of Interior fail to notify the competent authorities of the other European Union member-state which have addressed the transit application of the decision to carry out the transit within the term referred to in paragraphs 1 and 2 the actions on the transit may commence after a notification by the competent authorities of the other European Union member-state.

Article 47f. (1) When carrying out the transit through the territory of the Republic of Bulgaria the foreigner may be accompanied by persons who have been authorised thereof by the legislation of the other European Union member-state, the competent authorities of which have addressed the transit application.

(2) The persons accompanying the foreigner shall be entitled to render assistance to the authorities of the Ministry of Interior to prevent the escape of the foreigner, inflicting self-injuries, damages to third persons or damaged to a third party's property.

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

1. take the required action to prevent the circumstances referred to in paragraph 2 in the cases when it is impossible for the authorities of the Ministry of Interior to carry out their powers; in these cases the persons accompanying the foreigner shall be obliged to observe the laws of the Republic of Bulgaria;

2. produce their identity documents as well as the transit decision or the notification referred to in Article 47e, paragraph on request by the authorities of the Ministry of Interior.

(4) The persons accompanying the foreigner may not carry arms or wear a uniform.

Article 47g. (1) The authorities of the Ministry of Interior shall render assistance for carrying out the transit through employing one or several of the following measures:

1. receiving the foreigner from the board of the aircraft and accompanying him/her within the confines of the security zone of the transit airport;

2. rendering emergency medical assistance to the foreigner and the persons accompanying him/her, as appropriate;

3. providing food to the foreigner and the persons accompanying him/her, as appropriate;

4. receiving, safekeeping and transferring of travel documents;

5. notifying the competent authorities that have addressed the transit application of the exact departure time and place of the foreigner from the Republic of Bulgaria in the cases when the foreigner is not accompanied by persons authorised thereof;

6. notifying the competent authorities that have addressed the transit application of occurring serious incidents during the foreigner's transit.

(2) Within the possibilities and in compliance with applicable international rules the authorities of the Ministry of Interior shall take all necessary measures to render assistance from the landing and the opening of the doors of the aircraft until the foreigner's departure from the Republic of Bulgaria following preliminary consultations with the competent authorities of the other European Union member-state that have addressed the transit application with the exception of the cases referred to in paragraph 1, item 2.

(3) In case the carrying out of the transit proves impossible and re-acceptance of the foreigner is required by the other European Union member-state which has addressed the application the authorities of the Ministry of Interior shall render assistance thereof.

Article 47h. The authorities of the Ministry of Interior shall take all necessary measures to effect the transit within the shortest possible time but not exceeding 24 hours.

Article 47i. (1) The costs for rendering assistance for air transit of a foreigner through the territory of the Republic of Bulgaria shall be at the expense of the other European Union member-

state, the competent authorities of which have addressed the transit application.

(2) The authorities of the Ministry of Interior shall provide information to the competent authorities of the other European Union member-state of the costs referred to paragraph 1

Article 47j. (1) Assistance for effecting the transit referred to in article 47d may be refused when:

1. the foreigner has been accused of committing a crime under Bulgarian law or there is an effective sentence in relation to him/her which is subject to enforcement in the Republic of Bulgaria;

2. the foreigner poses a threat to public safety and order, public health or the relations of the Republic of Bulgaria with other states or international organisations;

3. no transit is possible through other state to the end destination state or the acceptance of the foreigner in the end destination state is impossible;

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

5. no assistance for air transit can be given on the specified date due to other reasons; in these cases the authorities of the Ministry of Interior shall notify the competent authorities of the other European Union member-state, which have addressed the transit application, of the nearest possible date to effect the transit.

(2) The authorities of the Ministry of Interior may render transit assistance under Article 47d in case the grounds for refusal referred to in paragraph 1 become known after agreement to effect the transit has been given.

(3) The authorities of the Ministry of Interior shall notify forthwith the competent authorities of the other European Union member-state, which have addressed the transit application, of the refusal to carry out the transit and the motives thereof.

Section II

Administrative and Penal Provisions

Article 48. (Last Amendment, SG No. 43/2011, in force as of 15.06.2011) (1)
A fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any foreigner who:

1. has re-entered Bulgaria after being expelled therefrom;
2. (*Last Amendment, SG No. 43/2011, in force as of 15.06.2011*) engages in work, commerce or other activity without appropriate authorization;
3. has resided in Bulgaria after expiry of the authorized duration of residence.

(2) (*Last Amendment, SG No. 43/2011, in force as of 15.06.2011*) The sanction referred to in Paragraph (1) shall furthermore be imposed on any natural persons who have employed or accepted legally residing foreigners without the appropriate permit, and any such legal persons shall be punishable by a pecuniary penalty of BGN 2000 to 20,000.

(3) (*Last Amendment, SG No. 43/2011, in force as of 15.06.2011*) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed [on natural persons], and a pecuniary penalty not exceeding BGN 4000 to 40,000 shall be imposed on legal persons in the event of repeated violations under Paragraphs (1) and (2).

Article 48a. (*New, SG No. 42/2001*) (1) (*Last Amendment, SG No. 11/2005*) A fine of BGN 200 or exceeding this amount but not exceeding BGN 2,000 shall be imposed on any natural person who fails to fulfil the obligations thereof under Article 24a herein.

(2) A pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any legal person which commits the violation referred to in Paragraph (1).

(3) The sanctions referred to in Paragraph (1) shall furthermore be imposed on any employee of a sole trader or a legal person who commits or suffers the commission of a violation under Paragraphs (1) and (2).

(4) A fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000 shall be imposed [on natural persons], and a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on legal persons in the event of repeated violations under Paragraphs (1) to (3).

Article 48b. (*New, SG No. 11/2005*) (1) A fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000 shall be imposed on any natural person who fails to fulfil the obligations thereof under Article 28 herein.

(2) A pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any legal persons which fails to fulfil the obligations thereof under Article 28 herein.

(3) A pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on the legal person in the event of a repeated violation under Paragraph (2).

Article 48c. (*New, SG No. 43/2011, in force as of 15.06.2011*) (1) A fine of BGN 750 or exceeding this amount but not exceeding BGN 7,500 shall be imposed on any natural person hiring illegally residing foreigner where the offence is not a crime.

(2) A pecuniary penalty of BGN 3000 or exceeding this amount but not exceeding BGN 30,000 shall be imposed on any legal person which commits the violation referred to in Paragraph (1).

(3) A fine of BGN 1500 or exceeding this amount but not exceeding BGN 15 000 shall be imposed on any natural person, and pecuniary penalty of BGN 6000 or exceeding this amount but not exceeding BGN 60 000 shall be imposed on any legal person in the event of a repeated violation under Paragraphs (1) and (2).

(4) The sanctions referred to in Paragraphs (1)- (3) shall be imposed for each hired illegally residing foreigner.

Article 49. (*Last Amendment, SG No. 82/2009*) (1) A fine not exceeding BGN 3,000 shall be imposed on any foreigner who:

1. uses a foreign-travel document or another substitute document not issued in good and due form;

2. (*Last Amendment, SG No. 36/2009*) loses, damages or destroys a Bulgarian residence permit document or any documents issued by the border passport and visa control services;

3. in the capacity of a shipmaster or member of a ship's complement fails to comply with the established border and passport regulations of the ports and the port cities;

4. (*Last Amendment, SG No. 29/2007*) fails to fulfil the obligations thereof referred to in Article 17 2 and in Article 30 herein;

5. (*Last Amendment, SG No. 82/2009*) gives or accepts a Bulgarian personal document as pledge, or cedes any such document.

(2) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 6,000 shall be imposed on [natural persons], and a pecuniary penalty not exceeding BGN 20,000 shall be imposed on legal persons in the event of repeated violations under Paragraph (1).

Article 49a. (*New - SG, No 23/2013*) (1) A captain of a sailing vessel, who until his arrival at a port on the territory of the country fails to inform the border control bodies about the presence of passengers without a ticket on board of the sailing vessel is imposed a fine amounting from BGN 3000 to BGN 6000.

(2) A captain of a sailing vessel, a sailing vessel owner or a ship agent who allows disembarking on the territory of the country of a foreigner who does not hold the required documents under art.8 is imposed a fine amounting from BGN 6000 to BGN 10 000 per each person admitted.

Article 50. (*Last Amendment – SG, No. 23/2013*) (1) A fine not exceeding BGN 500 shall be imposed on any foreigner who:

1. (*Last Amendment, SG No. 9/2011*) fails to fulfil the obligations thereof under Article 44 (5) herein;

2. commits a gross violation of the established order within the border-control zone at a border-crossing check point;

3. (*last amendment – SG, No. 23/2013*) exceeds the conditions for transit passage through Bulgaria.

(2) A fine of BGN 200 or exceeding this amount but not exceeding BGN 1,000 shall be imposed in the event of repeated violations under Paragraph (1).

Article 51. *(Last Amendment, SG No. 29/2007)* A carrier who fails to comply with his obligations referred to in Article 20 shall be sanctioned with a fine or a pecuniary sanction amounting from BGN 6 000 to BGN 10 000 for each carried person.

Article 51a. *(New, SG No. 63/2007)* In case of failure to submit or submission of partial and inaccurate information under Article 20a (1), the carrier, either an individual or a legal person, shall be fined or respectively suffer a property sanction in the range of BGN 6,000 to BGN 10,000 per trip.

Article 52. (1) Where no other penalty has been provided for a violation of this Act and of the Regulations issued in pursuance thereof, a fine not exceeding BGN 500 shall be imposed on the offender.

(2) In minor cases, a fine according to Article 39 (2) of the Administrative Violations and Sanctions Act shall be imposed on the offender.

Article 53. (1) *(Last Amendment, SG No. 112/2001)* Any violations under this Act shall be ascertained by a written statement drawn up by the authorities of the Ministry of Interior, and in the cases under Article 24a and under Article 33 (2) herein, by the authorities of the Ministry of Labour and Social Policy.

(2) The Minister of Interior and the Minister of Labour and Social Policy or officials designated thereby shall issue penalty decrees proceeding from the written statement as drawn up.

(3) The drawing up of the written statements, the issuing, appeal against and execution of the penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

Chapter Six

(New, SG No. 37/2003)

INFORMATION ACTIVITY OF THE FOREIGNERS ADMINISTRATIVE CONTROL SERVICES IN THE REPUBLIC OF BULGARIA

Article 54. *(Last Amendment, SG No. 53/2014)* (1) *(Last Amendment, SG No. 9/2011)* A Single Register of Foreigners shall be maintained at the Ministry of Interior, containing data regarding foreigners residing in Bulgaria on extended, long-term and permanent basis.

(2) For the purpose of performance of the statutory functions of the foreigners administrative control services with the Ministry of Interior, data concerning the following shall be processed:

1. the visa control of foreign citizens;
2. the border control over cross-border movements of foreign citizens;
3. the foreigners who seek or have been granted special protection within the territory of the Republic of Bulgaria;
4. the address registration of foreigners residing on a short-term basis;
5. the administrative sanctions and administrative enforcement measures imposed on foreigners;

6. the acquisition, loss, and resumption of Bulgarian citizenship.

(3) (*Last Amendment, SG No. 53/2014*) The foreigners administrative control services shall be obligated to submit promptly the entire information covered under Paragraph (2) to the General Directorate "Border Police".

(4) (*Former Paragraph (3), SG No. 103/2003*) The foreigners administrative control services with the Ministry of Interior shall process the following data:

1. cyrillized and romanized names, date of birth, place of birth, gender, citizenship;
2. Standard Public Registry Personal Number and/or Foreigner Personal Number;
3. permanent address in the Republic of Bulgaria;
4. current address in the Republic of Bulgaria;
5. foreign-travel document (type, series, number, date, place of issue and date of expiry of the validity);
6. purpose of stay in the Republic of Bulgaria;
7. visa (type, number, date and place of issue, period of validity and duration of stay);
8. grounds on which residence in the Republic of Bulgaria is permitted;
9. applications for authorization of long-term residence (number, date, decision);
10. decisions to grant special protection within the territory of the Republic of Bulgaria (date and number);
11. duration of residence in the Republic of Bulgaria;
12. marital status;
13. spouse;
14. children who have not attained the age of 18 years;
15. permanent address in the country whereof the person is a citizen;
16. Decree of the President of the Republic of Bulgaria on change of citizenship;
17. entries into in and exits from the Republic of Bulgaria;
18. host;
19. tourist vouchers;
20. occupation and place of work;
21. coercive administrative measures imposed;
22. service data;
23. (*New, SG No. 29/2007*) biometric data – photographs and 10 fingerprints.
24. (*Former item 23, SG No. 29/2007*) other data as specified in a law.

(5) (*New, SG No. 109/2007*) The State Agency for National Security shall use the information from the Register as per paragraph 1 for purposes of discharge of its statutory functions in accordance with a procedure determined by the Minister of Interior and the Agency Chairperson.

Article 55. (1) The data of the Single Register of Foreigners shall be available to:

1. government authorities and organizations on the basis of a law or an act of the judiciary;
2. Bulgarian citizens and foreigners, solely if the data refer to them;
3. Bulgarian and foreign legal persons, on the basis of a law or an act of the judiciary;
4. services of other States, in accordance with the international treaties whereto the Republic of Bulgaria is a party;
5. the National System of Civil Registration and Administrative Services to the Public (ESGRAON).

(2) Bulgarian citizens and foreigners shall have the right to obtain information stored in the data bases referring to third parties solely on the basis of a law or an act of the judiciary.

(3) Any refusal to make data available from the Single Register of Foreigners shall be appealable according to the procedure established by the Code of Administrative Procedure.

Article 56. *(Last Amendment, SG No. 109/2007)* The Ministry of Interior and the State Agency for National Security shall provide information to the Ministry of Foreign Affairs regarding any restrictions imposed on foreigners to enter the Republic of Bulgaria and shall receive from the Ministry of Foreign Affairs data regarding visas issued/refused to foreigners and data regarding Bulgarian citizens who have committed criminal offences and violations of the legislation of other States.

Article 57. *(Last Amendment, SG No. 109/2007)* The Ministry of Interior shall exchange data with the Ministry of Labour and Social Policy and with the State Agency for National Security in connection with the issuing of work permits to foreigners and with the issuing of permits for work on a freelance basis to foreigners.

Article 58. *(Last Amendment, SG No. 82/2009)* The Ministry of Interior shall exchange information with the State Agency for National Security and the State Agency for Refugees in connection with the issuing of a Bulgarian personal document to foreigners who seek or have been granted protection, and for the purpose of conduct of proceedings for the grant of special protection under the Asylum and Refugees Act.

Article 59. (1) *(Last Amendment, SG No. 109/2007)* The Ministry of Interior and the State Agency for National Security shall exchange data with the judicial authorities in connection with the performance of the functions of the said Ministry to impose and revoke coercive administrative measures.

(2) *(Last Amendment, SG No. 109/2007)* The Ministry of Interior and the State Agency for National Security shall interact with the Ministry of Justice with regard to any foreigners who have been released from the places of deprivation of liberty and with regard to any persons applying for acquisition, resumption or release from Bulgarian citizenship.

Article 60. *(Last Amendment, SG No. 9/2011)* (1) *(Last Amendment, SG No. 9/2011)* The Ministry of Interior shall interact and exchange data with the Unified System for Civil Registration and the Provision of Administrative Services of the Population and with the municipal administrations in connection with the issuing of Bulgarian identity and residence permit documents and with the provision of administrative services to foreigner long-term or permanent residents.

(2) (*Last Amendment, SG No. 9/2011*) The State Agency for National Security shall interact and exchange data with the Unified System for Civil Registration and the Provision of Administrative Services of the Population and with the municipal administrations in relation to the provision of administrative services to foreigner long-term or permanent residents.

Article 61. (*Last Amendment, SG No. 103/2003*) The Ministry of Foreign Affairs shall maintain a register containing the data covered under Article 54 (4) herein, as well as data regarding applications for visas submitted by foreigners and restrictions imposed according to the procedure established by Article 21a herein by the Minister of Foreign Affairs.

SUPPLEMENTARY PROVISIONS

§ 1. (*Last Amendment - SG No. 23/2013*) Within the meaning given by this Act:

1. (*Repeal, SG No. 9/2011*).

1a. (*New, SG No. 9/2011*) "**Family reunification**" means the entry into and residence in a Member State by family members of a foreigner residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry;

1b. (*New, SG No. 9/2011*) "**First Member State**" means the Member State which for the first time granted long-term resident status or a Member State which first granted "EU Blue Card" to a foreigner.

1c. (*New, SG No. 9/2011*) "**Second Member State**" means any Member State other than the first Member State.

1d. (*New, SG No. 9/2011*) "**EU Blue Card**" means the authorization bearing the term "EU Blue Card" entitling its holder to reside and work in the territory of a Member State of the European Union for the purposes of the highly qualified employment.

2. (*Last Amendment, SG No. 9/2011*) A violation shall be "**systematic**" where a foreigner has committed more than two violations in the course of one year.

3. (*Last Amendment, SG No. 42/2001*) "**Foreign-travel document or another substitute document issued in good and due form**" shall be a document issued according to the statutory procedure of the relevant State, wherein a visa can be affixed and which entitles the foreigner to return to the State wherefrom the said foreigner is entering, to the country of origin or to a third country, the photograph in the document satisfactorily identifies the holder, the data therein do not contain any corrections, crossings, deletions, additions and other such, there are no signs of replacement of the photograph, the impressions of seals affixed are distinct, the likeness of the person in the photograph corresponds to the actual features of the holder, and the term of validity of the document has not expired.

3a. (*New, SG No.36/2009*) "**Residence permit**" means any permission for residence issued by the competent authorities of the Ministry of Interior in compliance with the uniform format established by Regulations (EC) № 1030/2002 of the Council of June 13, 2002 regarding the uniform format on residence permits for citizens of third countries.

3b. (New, SG No. 43/2011, in force as of 15.06.2011) "**Illegally residing foreigner**" is any foreigner – citizen of a third country who resides on the territory of the Republic of Bulgaria and does not meet or has stopped to meet the terms and conditions for stay or residence.

4. (Last Amendment - SG, No 23/2013) "**Expulsion**" means a voluntary or compulsory performance of obligation for return of the foreigner in his country of origin or a transit pass country in accordance with an agreement between the European Union and a third country or in accordance with a two party readmission agreement, or with other agreements, or in a third country in which the foreigner voluntarily decides to return to and in which he or she will be accepted.

4a. (New, SG No.36/2009) "**Voluntary departure**" is a commitment of the alien to return within the period determined in the order for imposing a compulsory administrative measure.

4b. (New, SG No. 9/2011) "**Vulnerable persons**" are persons under the age of 18, unaccompanied persons under the age of 18, persons with disabilities, elder persons, pregnant, lonely parents with children under the age of 18, and persons who have been subjected to torture, rape or other serious forms of psychic, physical or sexual violence.

4c. (New, SG No. 23/2013) "**A danger a foreigner against whom a compulsory administrative measure under Art. 39a, par. 1, pts. 2 and 3, has been imposed, to hide**" exists when with view of the factual data, it may be reasonably concluded, that such person will try to evade the execution of the measure. Data related to this assumption may also be the circumstance that the person cannot be found at the residential address submitted by him or her, presence of previous disturbances of the public order, previous convictions of the person, regardless of the rehabilitation, that he or she failed to leave the country within the term for voluntary leave of the country, that he or she has clearly shown that he or she has no intention to comply with the measure imposed on him or her, that he or she holds forged documents or has no documents, that he or she has submitted false information, that he or she has already absconded, that he or she has failed to observe a prohibition, etc.

5. "**Foreigners administrative control services**" shall be the statutorily designated public authorities vested with powers under this Act.

6. (New, SG No. 42/2001) "**Person of Bulgarian descent**" shall be a person whereof at least one antecessor is a Bulgarian.

7. (Last Amendment, SG No. 29/2007) "**Force majeure**" shall be natural disasters, accidents, catastrophes, robberies and circumstances leading to providing emergency medical care as well as other events occurring in spite of the will of the foreigner which he/she could neither foresee nor prevent.

7a. (New, SG No. 63/2005) "**European Economic Areas**" is an economic community comprising the Member States of the European Union, Iceland, Liechtenstein and Norway.

8. (New, SG No. 42/2001) "**School**" shall be a comprehensive educational establishment within the meaning given by the legislation of the State where the school pupil resides.

9. (Last Amendment, SG No. 43/2011, in force as of 15.06.2011) "**Work on a freelance basis**" shall be any economic activity with the exception of the activity referred to

in Item 2 of Article 24 (1) and in Item 13 of Article 25 (1), performed in a personal capacity without a commitment to an employer.

10. (New, SG No. 37/2003) "**De facto cohabitation**" shall be the case where the persons live in a single household and live together in the manner of a married couple.

11. (New, SG No. 37/2003) "**Carrier**" shall be a natural or legal person who or which, according to the national legislation thereof, has the right to perform carriage by land, by air or by water using a means of transport intended to perform such activity.

12. (New, SG No. 9/2011) "**Commercial intermediary**" means a private administrative agency, transport company or travel agency (tour operator or retailer).

13. (New - SG, No 23/2013) "**International Protection**" means the status of a refugee and a humanitarian status as they are specified respectively in art.8 and art.9, para.1-7 of the Asylum and Refugees Act.

14. (New - SG, No 23/2013) "**Justified Suspicions**" within the meaning of art.10, para.1, pt.24 are suspicions related to the illegal migration risk, when from the interview made and the documents submitted it is ascertained that the candidate uses travel purposes as a pretext for an illegal settlement in the Republic of Bulgaria, or when there is a discrepancy between the statements made and his or her intention to leave the country prior the expiration of the period of the visa for which he or she is applying.

§ 2. Fees determined by an act of the Council of Ministers shall be charged for the issuing of visas, residence permits and other documents under this Act.

TRANSITIONAL AND FINAL PROVISIONS

§ 3. This Act shall supersede the Residence of Foreigners in the Republic of Bulgaria Act (promulgated in the *State Gazette* No. 93 of 1972; amended and supplemented in No. 36 of 1979, No. 17 of 1987, No. 26 of 1988, No. 53 of 1989, No. 27 of 1994, No. 120 of 1997, and Nos. 11 and 93 of 1998).

§ 4. In Article 9 (2) of the Foreign Investment Act (promulgated in the *State Gazette* No. 97 of 1997; corrected in No. 99 of 1997; amended in No. 29 of 1998), the words "or by officials authorized thereby" shall be inserted after the words "the Minister of Interior".

§ 5. The Council of Ministers shall issue Regulations for Application of this Act.

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

