

LAW FOR THE FOREIGNERS IN THE REPUBLIC OF BULGARIA

Prom. SG. 153/23 Dec 1998, amend. SG. 70/6 Aug 1999, amend. SG. 42/27 Apr 2001, amend. SG. 112/29 Dec 2001, amend. SG. 45/30 Apr 2002, amend. SG. 54/31 May 2002, amend. SG. 37/22 Apr 2003, amend. SG. 103/25 Nov 2003, amend. SG. 37/4 May 2004, amend. SG. 70/10 Aug 2004, amend. SG. 11/1 Feb 2005, amend. SG. 63/2 Aug 2005, amend. SG. 88/4 Nov 2005, amend. SG. 30/11 Apr 2006, amend. SG. 82/10 Oct 2006, amend. SG. 11/2 Feb 2007, amend. SG. 29/6 Apr 2007

Chapter one. GENERAL PROVISIONS

Art. 1. (amend. – SG 29/07) (1) This Law shall determine the conditions and the order under which the foreigners can enter, stay and leave the Republic of Bulgaria.

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

(3) The terms and the procedure under which the citizens of other Member States of the European Union, and their family members, as well as the nationals of states, party to the Agreement on European Economic Area and of Swiss Confederation and their family members shall enter, reside and leave the Republic of Bulgaria, shall be determined by the Law for Entering, Residing and Leaving the Republic of Bulgaria of European Union Citizens and Members of Their Families.

Art. 2. (amend. – SG 29/07) (1) Foreigner in the sense of this Law shall be any person who is not a Bulgarian citizen or is not a citizen of another Member State of the European Union, of a state, party to the Agreement on European Economic Area, or of the Swiss Confederation.

(2) Members of the family of a Bulgarian citizen shall be the persons, living together with him/her in one abode and are:

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

enforce the Bulgarian citizen to take personal care of them.

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

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

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

Art. 5. (revoked – SG 29/07)

Art. 6. The foreigners staying in the Republic of Bulgaria shall bear civil, administrative and punitive responsibility as the Bulgarian citizens as far as in a special law or in an international agreement to which the Republic of Bulgaria is a party no other is provided.

Art. 7. (amend. SG 54/02) The status of the foreigners, seeking or received protection shall be determined with a special law.

Chapter two. ENTRY AND AIRPORT TRANSIT ARRANGEMENTS (Title amend. – SG 29/07)

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

(2) Visas shall not be required in case this is provided in Council Regulation (EC) No 539/2001 of 15 March 2001, in an international agreement, to which the Republic of Bulgaria is a party, or in act of the Council of Ministers.

(3) Visas shall not be required also in the cases where the foreigner has durable or permanent residence card for the Republic of Bulgaria and the grounds for the granting thereof have not dropped out.

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

(2) Visas shall not be required in case a foreigner – member of the family of a

Bulgarian citizen, has a residence card of a member of the family of an European Union citizen, issued in:

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

(3) In event that at entering the territory of the Republic of Bulgaria a member of the family of a Bulgarian citizen refers to his/her capacity as such, but does not present a document as per para 2, the bodies of border control shall give an appropriate term so that he/she could receive them or certify by means of other documents that he/she is a member of the family of a Bulgarian citizen.

(4) In the cases referred to in para 3 the bodies of border control shall carry out detailed check of the personal circumstances and shall not allow entry of a person, who has not presented a document under para 2 or has not certified duly by means other documents that he/she is a member of the family of Bulgarian citizen. The refusal to allow entry of such a person in the Republic of Bulgaria shall reasoned and shall be subject to contestation under the order of the Administrative Procedure Code.

Art. 9. (Amend., SG 42/01; amend. – SG 29/07) The visa shall be an authorisation for entry, stay, for transit passing through the territory of the Republic of Bulgaria or for airport transfer.

Art. 9a. (new – SG 29/07) (1) The type of the visa shall be specified by the purpose for which it is being issued.

(2) The types of visas are:

1. airport transit visa (Category A);
2. transit visa (Category B);
3. short-stay visa (Category C);
4. long-stay visa (Category D).

(3) At lodging application for a visa from the person, applying for it, shall be gathered personal information, including biometric data.

(4) Biometric data may be used only for inspection of the real identity and for recognition or ascertainment of identity in relation to submitting application for visa or in the framework of border control or administrative control on foreigners.

Art. 9b. (new – SG 29/07) (1) Visa shall be issued in the form of uniform visa sticker according to European Union format and shall be valid only along with the regular document for travelling abroad or other substituting document, in or to which it is affixed.

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

Art. 9c. (new – SG 29/07) (1) The visa sticker shall be affixed in a valid passport or other document for travelling abroad, acknowledged by the Republic of Bulgaria.

(2) In case a foreigner has valid document for travelling abroad or substituting document, which is not acknowledged by the Republic of Bulgaria, the visa sticker shall be placed on unified form for affixing a visa according to European Union format, confirmed by an act of the Council of Ministers.

(3) The Ministry of Interior, coordinated with the Ministry of Foreign Affairs and the Ministry of Transport shall keep and update a list of the documents for travelling abroad, issued by states, international organisations, as well as by other subjects of the international public law, where may be placed visa sticker, and which entitle the foreigner to enter the territory of the Republic of Bulgaria.

(4) The terms and the procedure for printing, affixing, invalidation, preservation and destruction of visa stickers and forms for placement of visas shall be determined by and act of the Council of Ministers.

Art. 9d. (new – SG 29/07) (1) The visas shall be issued by the diplomatic and consular representations of the Republic of Bulgaria.

(2) The Republic of Bulgaria and another Member State of the European Union may conclude bilateral agreement on representation for acceptance of applications and issue of visas.

Art. 9e. (new – SG 29/07) As an exception, where this is required by the state interest or by extraordinary circumstances, the bodies of border control of the border-crossing checkpoints, coordinated with the Ministry of Foreign Affairs, may issue one-time transit visas with a validity term of 36 hours and short-stay visas with a term of a maximum of 15 days.

Art. 9f. (new – SG 29/07) The procedure for issue visas and for determining the visa regime shall be determined by an act of the Council of Ministers.

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

1. (suppl. – SG 29/07) with his activities he has put or could put in danger the security or the interests of the Bulgarian State or about whom there are data that he acts against the security of the country;

2. with his activities he has discredited the Bulgarian state or has derogated the prestige and the dignity of the Bulgarian people;

3. (amend. – SG 11/07) there are data that he is a member of a criminal group or organisation or that he implements terrorist activity, smuggling and illegal transactions with arms, explosives, ammunitions, strategic raw materials, products and technologies with double use as well as illegal traffic of anaesthetic and psychotropic substances and precursors and raw materials for their production;

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

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

6. he has committed premeditated crime on the territory of the Republic of Bulgaria which according to the Bulgarian legislation is to be punished with more than 3 years imprisonment;

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

8. it could be supposed that he will disseminate grave infectious disease, suffers from

a disease which according to the criteria of the Ministry of health or the World Health Organisation represents a threat for public health or when he does not have a certificate for vaccination, or comes from a region with complicated epidemic or epizootic situation;

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

10. at previous entering and stay he has systematically breached the border, the passport - visa, the currency or the customs regime of the Republic of Bulgaria;

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

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

13. to the person has been imposed compulsory administrative measure not to enter the country and this measure is in force;

14. (amend., SG 42/01) he is included in the informational massif of the unwelcome foreigners in the country, maintained by the Minister of Interior and by the Minister of Foreign Affairs.

15. (New, SG 42/01) applies for an entry visa by a document for final leaving of the territory of another country where he has stayed by this moment;

16. (new – SG 29/07) applies for a visa by invalid document for travelling abroad or by other substituting document.

(2) The issuing of visa shall also be refused to a foreigner who does not present the necessary documents determined with an act of the Council of ministers, certifying the grounds for entering in the country.

Art. 11. (suppl. – SG 29/07) It shall be possible to be refused the issuing of visa or entry in the state to a foreigner, in case:

1. there are data that he wants to enter the country in order to commit a crime or breach of the public order;

2. at previous stay in the country he has committed breach of the public order;

3. (amend. – SG 29/07) his entering in the country might harm the relations of the Republic of Bulgaria with another state;

4. there are data that the purpose of the entering is to stay in the country as immigrant without having special permission for this;

5. there are data that the purpose of the entering is to use the country as transit point for migration to third country.

6. (New, SG 42/01) during a previous stay in the country he has been socially supported by the state;

7. (New, SG 42/01) he is not in position to substantiate reliably the declared purpose of travelling.

8. (new, SG 37/03) there is enacted penal provision for imposed fine by the order of this law, which has not been paid;

9. (new – SG 29/07) the foreigner does not have sufficient resources to provide his/her maintenance according to the duration and the terms of the stay 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;

10. (new – SG 29/07) has presented a document of untrue contents or has declared incorrect data.

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

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

Art. 13. (Amend., SG 42/01; amend. – SG 29/07) (1) An airport transit visa shall be issued to a foreigner who enters in the Republic of Bulgaria and leaves its territory en route from one state to another.

(2) An airport transit visa shall entitle the foreigner to one, two or, as an exception, several transit passings, each of them for a period of 36 hours, it also may be for a period of 12 months.

(3) The total duration of the stay on the territory of the Republic of Bulgaria with airport transit visa may not exceed 90 days within a period of 6 months.

Art. 14. (Amend., SG 42/01; amend. – SG 29/07) (1) Short-stay visa shall be issued to a foreigner who enters the country once, twice or repeatedly in the territory of the Republic of Bulgaria for a period of 90 days within 6 months considered from the date of the first entry.

(2) The multiple short-stay visa can be valid for a period of up to one year, in the event of extraordinary circumstances – for up to 5 years.

Art. 14a. (New, SG 42/01) Groups visa shall be issued for transit passing or for right of stay for up to 30 days to foreigners - citizens of one country, who have formed the group before their departure, hold a group passport and on condition that they enter, stay and leave the territory of the Republic of Bulgaria as a group.

Art. 15. (amend. – SG 29/07) (1) Long-stay visa with a validity term of up to 6 months and with right to stay for up to 180 days shall be issued to a foreigner who wishes to settle for a continuous period or permanently in the Republic of Bulgaria.

(2) Long-stay visas with a validity term of up to one year and with right of stay for up to 360 days may be issued to foreigners, who carry out scientific research or who are students in one-year educational programmes, post-graduate students or trainees, foreigners, sent on a business trip by a foreign employer in order to perform specific tasks, related to control and coordination of fulfilment of a contract for tourist services, as well as to foreigners, sent on a business trip by a foreign employer for making investments, certified following the procedure of the Law for Encouragement of Investments.

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

(4) A long-stay visa shall be invalidated at issuing a residence permit by the services for administrative control of foreigners.

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

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

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

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

(5) The Ministry of Foreign Affairs and the diplomatic and consular representations shall be able to cancel an issued visa, to reduce the number of permitted entries or the term for stay in the event of non-fulfilment of the requirements under this Law following the procedure, determined by an act of the Council of Ministers.

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

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

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

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

(5) The bodies of border control and the services for administrative control of foreigners can take biometric data for the purpose of automated inspection or in order to ascertain identity of foreigners.

(6) The bodies of border control shall place stamps in the document for travelling abroad of foreigners or in the substituting document at each entry and exit of the Republic of Bulgaria, except for the cases where the foreigner is a member of the family of a Bulgarian citizen and presents a residence card under Art. 8a, para 2.

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

(2) The accredited foreigners as members of foreign diplomatic, consular and trade-representative offices, as well as of representative offices of intergovernmental organizations in the Republic of Bulgaria, shall be registered at the Ministry of Foreign Affairs.

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

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

1. a valid document for travelling abroad or other substituting document, as well as a visa, where necessary;

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

3. health insurance and other insurances;

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

5. other documents, proving the purpose of the travelling.

(2) The extent of the financial resources of para 1, item 2, the minimum insurance amounts under para 1, item 3, the form of the invitation and the documents referred to in para 1, item 5 shall be determined with an act by the Council of Ministers.

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

1. the validity of the travel document of the foreigner and the presence of Bulgarian visa, in case such is required;

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

(2) In the cases when a foreigner is refused entry in the Republic of Bulgaria on the grounds of non-fulfilment of the obligation under para 1 the carrier who has transported the foreigner shall be obliged, on request of the bodies of border control to return him, for his account, to the country from which he has been transported, to the country which has issued the travel document by which the foreigner has arrived, or to another country where he would be admitted. If the return cannot be completed immediately the expenses related to the stay of the foreigner shall be for the account of the carrier.

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

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

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

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

2. documents certifying the registration of the transport means;

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

4. obligatory insurance;

5. documents for driving competence.

(2) Transport means shall not be admitted to enter in the country if the grounds of

para 1, item 1, 4 and 5 are not at hand.

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

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

Art. 21a. (New, SG 42/01) (1) The Minister of Interior, the Minister of Foreign Affairs or officials authorised by them can periodically include foreigners in the informational massif for the unwelcome in the country foreigners in the presence of the grounds under art. 10 and 11.

(2) The conditions and the order of maintaining and updating the informational massif under para 1 shall be determined by the Minister of Interior and by the Minister of Foreign Affairs.

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

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

1. (amend. – SG 29/07) issued visa of art. 9a, para 2;
2. international agreements for visa free regime or alleviated visa regime;
3. permission by the services for administrative control of foreigners.

(2) (amend. – SG 29/07) As an exception, where this is required by state interest or extraordinary circumstances, the offices for administrative control of the foreigners may extend the term of their stay beyond the one, allowed by the visa, following a procedure, specified by the Regulations for Implementation of the Law.

(3) The permission of para 2 for the foreigners who use diplomatic and consular immunity shall be issued by the Ministry of Foreign Affairs.

Art. 23. (1) The foreigners shall stay in the Republic of Bulgaria short term and long term.

(2) The short term stay shall be up to 90 days from the date of entering the country. The term shall be possible to be extended by the services for administrative control of foreigners due to reasons of humanitarian character.

(3) The long term shall be:

1. long - with permitted term up to one year;
2. permanent - with permitted unlimited term.

Art. 24. (1) (amend. – SG 29/07) A permission for long stay shall be able to receive foreigner who have a visa under Art. 15, para 1 and:

1. (Amend., SG 42/01; amend., SG 112/01) wish to work under legal terms of

employment upon permit by the bodies of the Ministry of Labour and Social Policy;

2. (Amend., SG 42/01; suppl., SG 37/03) carry out commercial activity in the country according to the legally established order, and as a result of this activity at least 10 positions have been opened for Bulgarian citizens, unless agreed otherwise by an international agreement, ratified, promulgated and enacted in the Republic of Bulgaria;

3. are admitted to regular education in licensed educational establishments;

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

5. (amend. – SG 29/07) have grounds to have permitted permanent stay or have married with a foreigner with permanent stay in the country;

6. (Amend., SG 42/01) are representatives of foreign commercial companies registered at the Bulgarian commercial - industrial chamber;

7. (suppl., SG 37/03) are financially ensured parents of foreigners with permanent stay in the country or of a Bulgarian citizen;

8. (amend., SG 70/04) have started long treatment in a medical establishment and dispose with financial resources for healing and maintenance;

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

10. are pension ensured and dispose with sufficient resources for maintenance in the country;

11. (amend., SG 37/04) implement activity under the Law for encouragement of investments;

12. implement activity by order and request of persons who have made investments in the country by the order of the Law for the foreign investments;

13. (Amend., SG 42/01) are members of the family of a foreigner who has received a permission for long stay;

14. (New, SG 42/01; amend., SG 37/03, amend., SG 63/05 – in force from 01.01.06; amend. – SG 29/07) are parents of a foreigner or live in concubinage with a foreigner who has obtained a permit for continuous stay on the grounds of Art. 22, para 3;

15. (New, SG 42/01; amend., SG 112/01) wish to carry out free-lance practice upon permit by the bodies of the Ministry of Labour and Social Policy in compliance with art. 24a;

16. (New, SG 112/01) wish to carry out non-profit activity upon permit of the Ministry of Justice under conditions and by an order determined by an ordinance of the Minister of Justice, in coordination with the Minister of Interior;

17. (new – SG 29/07) have acquired statute of special protection as per Art. 25 of the Law of Fighting the Illegal Traffic of People;

18. (new – SG 29/07) are members of the family of a Bulgarian citizen under Art. 2, para 2.

(2) The persons of para 1 shall have ensured home, maintenance, obligatory insurances and insuring according to the legislation of the Republic of Bulgaria. The normatives for this shall be determined with an act of the Council of Ministers.

(3)(new – SG 63/05, in force from 01.01.06) the requirement under Para 1, item 2 for opening of at least 10 working positions shall not refer to citizens of the Member States of the European Union, as well as to citizens of the other Member States of the Common European Economic Space.

Art. 24a. (New, SG 42/01; amend., SG 112/01) (1) (suppl., SG 37/03) A foreigner who wishes to stay continuously on the territory of the Republic of Bulgaria with the purpose of carrying out free-lance activity can obtain a visa for continuous stay or a permit for continuous stay if he meets the legally established requirements for entry and stay in the country, presenting to the diplomatic and consular representations, respectively to the offices for administrative control of the foreigners, the following documents:

1. application in a form;
2. permit for carrying out free-lance activity.

(2) The permits for carrying out free-lance activity shall be issued by the bodies of the Ministry of Labour and Social Policy.

(3) The conditions and the order of issuance, refusal and revoking permit for carrying out free-lance activity by foreigners shall be determined by an ordinance to be issued by the Minister of Labour and Social Policy in coordination with the Minister of Interior and the Minister of Finance.

(4) Not issued shall be visa for continuous stay for the purpose of carrying out free-lance practice to a foreigner in the cases under art. 24, para 1, item 1 - 13 and 16.

(5) Foreigners who meet the legally established requirements for carrying out the respective free-lance activity shall be released from the requirement for issuance of permit if this is stipulated by an international agreement party to which is the Republic of Bulgaria.

Art. 25. A permission for permanent stay shall be possible to receive the foreigners:

1. of Bulgarian ethnic origin;
2. (amend. – SG 29/07) five years after the marriage with a foreigner staying permanently in the country;
3. (amend. – SG 29/07) small or below age children of a foreigner with permanent stay in the country and who have not been married;
4. (Amend., SG 42/01) parents of Bulgarian citizens when they provide the due legally established support, and in the cases of acknowledgement or adoption - upon expiration of 3 years from the acknowledgement or adoption;
5. (amend. – SG 29/07) stayed on legal grounds without interruption on the territory of the country during the last 5 years, provided that in the cases under Art. 24, para 1, item 3 only half of the term of stay shall be recognised;
6. (amend., SG 11/05) invested in the country over 500 000 US\$ by the lawful order;
7. (New, SG 42/01) who are not persons of Bulgarian origin, born on the territory of the Republic of Bulgaria, lost their Bulgarian citizenship according to emigration agreements or by their own wish and they wish to settle permanently on the territory of the country.
8. (new, SG 37/03) who, by December 27, have entered, stay, or were born on the territory of the Republic of Bulgaria, and whose parent has married a Bulgarian citizen;
9. (new – SG 29/07) members of the family of the Bulgarian citizen, if they have stayed continuously in the territory of the Republic of Bulgaria during the previous five years.

Art. 25a. (New, SG 42/01) Permit for stay in the Republic of Bulgaria, without the presence of the requirements of this law can be obtained by foreigners who have contributions to the Republic of Bulgaria in the public and economic sphere, in the sphere of the national security, science, technology, culture or sport.

Art. 26. (1) (prev. art. 26 - SG 42/01) Extension of the term for stay in the country for a foreigner shall be refused in the cases of art. 10 and 11.

(2) (New, SG 42/01) Refused shall be the extension of the period of a long-term stay in the country or revoked shall be the right of a long-term stay of a foreigner for whom it is established that he has not stayed on the territory of the Republic of Bulgaria for at least 6 months and one day during the preceding calendar year.

(3) (New, SG 42/01; suppl., SG 37/03) Refused shall be the issuance of permit for a long-term stay and the issued one shall be revoked of a foreigner who has married a Bulgarian citizen or a foreigner who has obtained permit for a long-term stay if evidence exists that the marriage has been contracted solely for the purpose of evading the norms stipulating the regime for foreigners in the Republic of Bulgaria and obtaining a permit for stay.

(4) (New, SG 42/01) The decision to refuse or withdraw the permit under para 3 shall be taken by the offices for administrative control of the foreigners on the basis of evidence justifying an objective conclusion that the marriage has been contracted solely for the purpose of evading the norms stipulating the regime for foreigners in the Republic of Bulgaria and obtaining a permit for stay. Such evidence can be:

1. the circumstance that the spouses do not live together;
2. lack of contribution to the commitments ensuing from the marriage;
3. the circumstance that the spouses have not known each other before the marriage;
4. the presentation of contradicting information for the personal data of the other spouse (name, address, nationality, profession), for the circumstances of their acquaintance or other important personal information;
5. the circumstance that the spouses do not speak a language understandable for both of them;
6. the payment of money for the contracting of the marriage beyond the usual dowry;
7. the presence of previous marriages contracted for the purpose of evading the norms stipulating the regime for the foreigners.

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

Art. 26a. (revoked – SG 63/05)

Art. 27. (1) (amend. – SG 29/07) To the foreigners entered the country on one ground the term for stay in the country shall not be extended on another one except the cases where this is required by state interest and in the event of extraordinary circumstances.

(2) The term for stay of foreigners shall be possible to be extended with not more than 6 months before the elapse of the validity of the national documents for travel abroad.

Art. 27a. (New, SG 42/01) The state bodies who, by virtue of a normative act carry out registration of foreigners or of activities carried out by foreigners, shall be obliged to check up the type and the grounds of the visas issued to the foreigners. For established discrepancies between the requested registration and the type and the grounds of the issued

visa the registration shall not be made and the offices for administrative control of the foreigners shall be informed immediately.

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

(2) In case of withdrawal or termination of the right of permanent stay of a foreigner the offices for administrative control of the foreigners shall immediately inform the bodies of civil registration.

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

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

(3) (suppl., SG 37/03, SG 11/05) An individual or a corporate body who has provided shelter for a foreigner shall, within 5 days from providing the shelter, inform about this circumstance in writing the office for administrative control of the foreigners or the regional police department at his location, announcing the name, the date of birth, the citizenship, the number and the series of the identification document of the foreigner.

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

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

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

(7) (prev. para 6 - amend., SG 37/03, amend., – SG 63/05, in force from 01.01.06) The stay in the Republic of Bulgaria of the persons under Art. 18, Para 2 and art. 24, para 1, item 14 shall not be included in the period necessary for obtaining permit for stay or for acquiring Bulgarian citizenship by naturalisation.

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

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

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

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

Art. 29. The foreigners who stay long term in the Republic of Bulgaria shall certify their identity by an order determined with a law.

Art. 30. A foreigner who's document for travel abroad or substituting document is lost or demolished shall be obliged immediately to notify about this the services for administrative control of foreigners.

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

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

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

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

4. by the bodies of the Ministry of Interior when there is an issued order for expel, forcefully taking to the border or extradition from the country;

5. (revoked – SG 29/07)

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

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

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

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

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

Art. 33. (1) The foreigners to which is permitted permanent stay in the Republic of Bulgaria shall be able to start work by the order established for the Bulgarian citizens.

(2) The foreigners staying for a short term or for a long term on the territory of the republic of Bulgaria shall be able to implement activity with employment contract only after receiving a permission by the Ministry of Labour and Social Policy.

(3) The foreigners received permission to work shall be able to work only for the employer and for the term determined in the permission for work.

Chapter three. "A" LONG-STAY OF A FOREIGNER, WHO HAS OBTAINED A LONG-TERM RESIDENCE PERMIT IN ANOTHER MEMBER STATE OF THE EUROPEAN UNION (new – SG 29/07)

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

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

2. with the purpose of education, including vocational training at an educational institution;

(2) The foreigner under para shall be granted a long-term residence permit, if he/she meets the requirements as per Art. 24, para 2 and presents:

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

2. documents, showing that he/she has a permit for carrying out free-lance activity and possesses the financial resources required for carrying out economic activity – in case he/she is a self-employed person;

3. certificate from educational institution that he/she is enrolled for education regarding the respective school year – if the residence is with the purpose of education.

Art. 33b. (new – SG 29/07) (1) The foreigner under Art. 33a, para 1 shall submit at the offices for administrative control of foreigners an application for issuing long-term residence permit on the territory of the Republic of Bulgaria within one month from his/her entry on the said territory.

(2) The application shall be considered within 4 months from the date of the submission thereof.

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

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

Art. 33c. (new – SG 29/07) (1) The long-term residence permits shall be issued for a period of five years.

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

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

(2) In order to receive residence permit, the family members shall present at the territorial office for administrative control of foreigners:

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

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

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

Art. 33e. (new – SG 29/07) The offices for administrative control of foreigners shall inform the other Member State of the European Union of the right of long-term residence granted to the foreigner under Art. 33a, para 1.

Art. 33f. (new – SG 29/07) (1) The offices for administrative control of foreigners shall refuse long-term residence permit to a foreigner under Art. 33a, para 1 or to his/her family members:

1. in case the terms of acquiring right of long-term residence, laid down in this section, have not been observed;
2. on the grounds as per Art. 10 and 11;
3. in case the foreigner or his/her family members do not reside on the territory of the Republic of Bulgaria on a legal ground.

(2) The long-term residence permit of a foreigner under Art. 33a, para 1, or the one of his/her family members shall be withdrawn, if the grounds of residence have dropped out in the cases referred to in Art. 26, para 2.

(3) The refusal or the withdrawal of the right of long-term residence shall be subject to contestation following the procedure laid down in the Administrative Procedure Code.

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

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

Art. 33h. (new – SG 29/07) (1) In case the foreigner under Art. 33a, para 1 or his/her family members pose a serious threat to the social security and order, the bodies of the Ministry of Interior may expel them from the territory of the European Union, before they acquire right of long-term residence in the Republic of Bulgaria, following a coordination with the competent authorities of the other the Member State of the European Union, in which they have long-term residence permit.

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

(3) The bodies of the Ministry of Interior shall notify the competent authorities of the other the Member State of the European Union of the enforcement of the expulsion decision.

Chapter four. LEAVING OF THE REPUBLIC OF BULGARIA BY FOREIGNERS

Art. 34. Any foreigner shall be obliged to leave the country till the elapse of the term of his stay.

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

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

(3) A foreigner who has permission for permanent stay shall be able to leave the country and to return back without a visa.

Art. 36. The foreigners shall be able to leave the Republic of Bulgaria through the places determined for this on the basis of documents for travel abroad and other substituting documents giving them the right to leave the country.

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

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

Art. 39. The handing over of a foreigner for committed crime shall be implemented

under the conditions and by the order established by the Bulgarian laws and the international agreements to which the Republic of Bulgaria is a party.

Chapter five. MEASURES FOR ADMINISTRATIVE COMPULSION

Section I. Compulsory administrative measures

Art. 39a. (New, SG 42/01) The compulsory administrative measures imposed to the foreigners according to this law are:

1. revoking the right of stay in the Republic of Bulgaria;
2. compulsory taking to the border of the Republic of Bulgaria;
3. expulsion;
4. prohibition to enter the Republic of Bulgaria;
5. prohibition to leave the Republic of Bulgaria.

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

1. the grounds of art. 24, para 1, and art. 25, item 2 and 6 have been dropped;
2. the grounds of art. 10 and 11 are present;
3. it is established that the data presented for its obtaining are untrue;
4. the marriage is terminated before the elapse of 5 years from its contracting in the cases under art. 25, item 2;
5. within one year after the permission the foreigner has not settled and is not on the territory of the country except the cases of art. 25, item 6.
6. it is established that the foreigner has not stayed on the territory of the Republic of Bulgaria during the preceding calendar year for at least 6 months and one day.

(2) Revoking of the right of stay of a foreigner in the Republic of Bulgaria can be imposed in the presence of the grounds under art. 11.

(3) (new – SG 29/07) A copy of the entered into force order for deprivation of the right of permanent residence of a foreigner in the Republic of Bulgaria shall be sent to the municipality at his/her permanent address in order to be entered in the register of the population.

Art. 41. (Amend., SG 42/01) Compulsory taking to the border of the Republic of Bulgaria shall be imposed when:

1. the foreigner cannot certify his entering in the country according to the legal order;
2. the foreigner does not leave the country till the expiration of the permitted term or in 7 days term after the notification about the refusal the stay to be extended;
3. it is established that the foreigner has entered and stays in the country with false or forged document for travel abroad or substituting document.

Art. 42. (Amend., SG 42/01) Expulsion of a foreigner shall be imposed when his presence in the country creates a serious threat for the national security or for the public order.

(2) By imposing the compulsory administrative measure under para 1 shall be withdrawn the right of stay of the foreigner in the Republic of Bulgaria and shall be imposed a prohibition of entering the Republic of Bulgaria.

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

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

1. the foreigner poses a serious danger to public order or national security because of the fact that:

a) with respect to him/her there is a sentence, entered into force, for a crime, regarding which is imposed penalty imprisonment for a period of one year minimum;

b) sufficient data is available that he/she has committed serious crime or there is sufficient data for his/her intention of committing such a crime on the territory of a Member state of the European Union;

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

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

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

(2) The execution of the expulsion decision, issued by the competent authorities of another Member State of the European Union, may be subject to contestation by the manner of the Administrative procedure Code.

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

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

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

notification shall be determined by the Regulations for Implementation of the Law.

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

Art. 42h. (New, SG 42/01; prev. text of Art. 42a – SG 29/07) Prohibition of entry in the Republic of Bulgaria shall be imposed when the grounds under art. 10 are present.

(2) Prohibition of entry in the Republic of Bulgaria can be imposed when the grounds under art. 11 are present.

(3) The prohibition of entry in the Republic of Bulgaria shall be valid for a period of 10 years.

(4) The prohibition of entry can be imposed simultaneously with the compulsory administrative measure under art. 40, para 1, item 2, under art. 40, para 2 or under art. 41 when the grounds under art. 10 or 11 are present.

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

1. has been convicted by an enacted sentence and has not served the imposed imprisonment;

2. (amend., SG 37/03) has liabilities over 5000 levs to corporate bodies or individuals established by court order and which have not been duly secured;

3. (Amend., SG 45/02) has liquid and exigible liabilities to the state of over 5000 levs, or who is a member of the control or managing bodies of corporate bodies who have liquid and exigible liabilities to the state of over 5000 levs which are not duly secured.

(2) The measures under para 1 shall also apply to foreigners who also have Bulgarian citizenship.

(3) Prohibited is the leaving of the Republic of Bulgaria of a foreigner under 18 years of age having Bulgarian citizenship of whom one of the parents is Bulgarian citizen and he has not presented a written consent for his travelling abroad.

Art. 44. (Amend. SG 42/01) (1) (amend. SG 54/02; amend., SG 103/03; taking effect in three months from the promulgation of this law in the State Gazette; amend. – SG 82/06; amend.– SG 29/07) Compulsory administrative measures shall be imposed by orders of Directors of National Offices, Directors of Chief Directorates and Directors of Directorate "Migration" at the Ministry of Interior.

(2) The orders for withdrawal of the right of stay in the Republic of Bulgaria shall determine the term of leaving the country, upon whose expiration the foreigner shall be taken out of the country by compulsion.

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

(4) Subject to immediate fulfilment shall be:

1. the orders for withdrawal of the right of stay in the Republic of Bulgaria for the presence of the circumstances under art. 10, para 1, item 1;

2. the orders for imposing prohibition of entry into the Republic of Bulgaria for the presence of the grounds under art. 10, para 1, item 1;

3. the expulsion orders.

(5) When obstacles exist for the foreigner to leave the country immediately or to enter another country the foreigner shall be obliged, by an order of the bodies which has issued the order for imposing compulsory administrative measure, to appear daily in the police office at the place of his stay by an order determined by the regulations for implementation of the law, until the obstacles are dropped.

(6) The body which has issued the order for compulsory taking to the border of the Republic of Bulgaria or for expulsion can, by his judgement, accommodate the foreigner in a special home for a period until the dropping of the obstacles for fulfilment of the compulsory administrative measure.

(7) (new, SG 37/03; amend., SG 103/03; taking effect in three months from the promulgation of this law in the State Gazette; amend. – SG 82/06) Established at the Directorate "Migration" of the General Directorate "Police" shall be special homes for temporary accommodation of foreigners for whom order has been issued for compulsory taking to the border of the Republic of Bulgaria or for expulsion.

(8) (new, SG 37/03) The accommodation of foreigners in the special homes shall be carried out on the grounds of an order for compulsory accommodation, issued by competent officials of the Ministry of Interior, as the order shall explicitly state the necessity of the accommodation and the legal grounds and a copy of the order under para 6 shall be enclosed.

(9) (new, SG 37/03) The order of temporary accommodation of the foreigners in the special homes, as well as the organisation and their activity shall be settled by an ordinance of the Minister of Interior.

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

Art. 44b. (New, SG 42/01) If there is impossibility of immediate expulsion or compulsory taking of the foreigner to the border or the fulfilment of these measures must be postponed due to reasons of legal or technical nature the body which has issued the order for imposing compulsory administrative measure shall postpone its fulfilment for a period until the dropping of the obstacles for its fulfilment.

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

(2) In the cases referred to in para 1 the expenses, related to residence and removal from the Republic of Bulgaria of a foreigner, shall be collected by the State Receivables

Collection Agency following the procedure, provided for in the Law on the State Collections.

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

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

1. withdrawal of the right of stay in the Republic of Bulgaria on the grounds under art. 10, para 1, item 1;

2. imposing prohibition of entry into the Republic of Bulgaria on the grounds under art. 10, para 1, item 1, and

3. expulsion

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

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

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

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

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

Section I. “A” Request for providing assistance in cases of transit for the purposes of removal by air of a foreigner out of the territory of the Republic of Bulgaria, addressed by the Ministry of Interior to the competent authorities of another Member State of the European Union (new – SG 29/07)

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

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

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

(2) Transit by air through the territory of another Member State of the European

Union shall be carried out after obtaining authorisation from the competent authorities.

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

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

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

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

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

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

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

Section I. “B” Providing assistance to the competent authorities of another Member State of the European Union in the cases of transit by air through the territory of the Republic of Bulgaria (new – SG 29/07)

Art. 47d. (new – SG 29/07) Upon submitted request the bodies of the Ministry of Interior may provide assistance to the competent authorities of another Member State of the European Union regarding transit by air of a foreigner through the territory of the Republic of Bulgaria.

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

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

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

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

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

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

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

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

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

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

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

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

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

4. receiving, keeping and forwarding travel documents;

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

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

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

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

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

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

(2) The bodies of the Ministry of Interior shall provide information with regard to the

costs referred to in para 1 to the competent authorities of the other Member State of the European Union.

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

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

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

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

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

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

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

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

Section II. Administrative punitive provisions

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

1. has been expelled and enters the country;

2. without the corresponding permission implements working, commercial and other activity;

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

(2) The penalty of para 1 shall be imposed also to individuals who have hired to work foreigners without the corresponding permission, and to the corporate bodies shall be imposed proprietary sanction of 20 000 lv.

(3) When the breaches of para 1 and 2 are done for second time the imposed fine shall be from 1 000 to 10 000 lv and to the corporate bodies up to 40 000 lv.

Art. 48a. (New, SG 42/01) (1) (Suppl., SG 112/01, amend., SG 11/05) Fined with 200 to 2000 levs shall be an individual who does not fulfil his obligations under art. 24a.

(2) A corporate body who commits the offences under para 1 shall be punished by proprietary sanction from 500 to 5000 levs.

(3) The penalties under para 1 shall also be imposed on an employee of a sole entrepreneur or corporate body who commits or admits the commitment of offence under para 1 and 2.

(4) If the offences under para 1 - 3 are committed repeatedly a fine of 500 to 5000

levs shall be imposed and to corporate bodies shall be imposed proprietary sanction from 1000 to 10 000 levs.

Art. 48b. (new, SG 11/05) (1) A natural person who does not fulfill his obligations under Art. 28 shall be sanctioned with a fine from 100 to 1000 BGN.

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

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

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

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

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

Art. 50. (1) With a fine up to 500 lv shall be punished a foreigner who:

1. does not fulfil his obligations of art. 44, para 3;
2. has gravely violated the established order in the zone of border control of a border check point;
3. does not observe the term for transit passing through the country.

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

Art. 51. (amend., SG 37/03; amend. – SG 29/07) A carrier, who does not fulfil his obligations under art. 20 shall be punished with a fine or a proprietary sanction amounting from 6000 to 10 000 levs per each transported person.

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

(2) In insignificant cases shall be imposed a fine according to art. 39, para 2 of the Law for the administrative breaches and penalties.

Art. 53. (1) (Suppl., SG 112/01) The breaches of this law shall be ascertained with an act compiled by the bodies of the Ministry of Interior and in the cases of art. 24a and art. 33, para 2 - by the bodies of the Ministry of Labour and Social Policy.

(2) On the basis of the compiled acts the Minister of Interior and the Minister of

Labour and Social Policy or officials empowered by them shall issue punitive decisions.

(3) The compilation of the acts, the issuing, appealing and implementation of the punitive decisions shall be implemented by the order of the Law for administrative breaches and penalties.

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

Art. 54. (new, SG 37/03) (1) The Ministry of Foreign Affairs shall maintain a Single Register for foreigners, containing data for long-term staying foreigners.

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

1. the visa control of foreign citizens;
2. the border control of passing foreign citizens;
3. the foreigners seeking or having received special protection on the territory of the Republic of Bulgaria;
4. the address registration of short-term staying foreigners;
5. the imposed administrative penalties and measures for administrative compulsion regarding foreigners;
6. the acquisition, losing and restoration of Bulgarian citizenship.

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

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

1. the names in Cyrillic and Roman alphabet, date of birth, place of birth, sex, citizenship;
2. united citizen's number and/or personal number of a foreigner;
3. permanent address in the Republic of Bulgaria;
4. present address in the Republic of Bulgaria;
5. document for travelling abroad (type, series, number, date, place of issuance and validity term);
6. purpose of stay in the Republic of Bulgaria;
7. visa (type, number, date and place of issuance, validity and term of stay);
8. grounds of permitting the stay in the Republic of Bulgaria;
9. applications for permitting long-term stay (number, date, decision);
10. permits for acquiring special protection on the territory of the Republic of Bulgaria (date and number);
11. term of stay in the Republic of Bulgaria;
12. marital status;
13. spouse;

14. children under 18 years of age;
15. permanent address in the country whose citizen the person is;
16. edict of the President of the Republic of Bulgaria for change of the citizenship;
17. entries and exits to and from the Republic of Bulgaria;
18. host;
19. tourist vouchers;
20. profession and place of employment;
21. imposed compulsory administrative measures;
22. official data;
23. (new – SG 29/07) biometric data – photos and 10-finger prints
24. (prev. text of item 23 – SG 29/07) other data stipulated by a law.

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

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

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

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

Art. 56. (new, SG 37/03) The Ministry of Interior shall submit information to the Ministry of Foreign Affairs regarding imposed restrictions for entering the Republic of Bulgaria to foreigners and shall receive from the Ministry of Foreign Affairs data for issued/refused visas to foreigners and data for Bulgarian citizens having committed crime and offences of the legislation of other countries.

Art. 57. (new, SG 37/03) The Ministry of Interior shall carry out exchange of data with the Ministry of Labour and Social Policy in connection with the issuance of work permits to foreigners and with the issuance of permits for free-lance activity by foreigners.

Art. 58. (new, SG 37/03) The Ministry of Interior shall carry out informational exchange with the State Agency for the foreigners in connection with the issuance of identification documents to the foreigners seeking or having obtained protection, and for carrying out proceedings for granting special protection according to the Law for the asylum and refugees.

Art. 59. (new, SG 37/03) (1) The Ministry of Interior shall carry out data exchange with the bodies of the judicial authority in connection with the fulfilment of its functions related to the imposing and revoking of compulsory administrative measures.

(2) The Ministry of Interior shall carry out interaction with the Ministry of Justice regarding foreigners who have released from the places of detention and persons applying for acquiring, restoring of or release from Bulgarian citizenship.

Art. 60. (new, SG 37/03) The Ministry of Interior shall carry out interaction and data exchange with ESGRAON and with the municipal administrations in connection with the issuance of Bulgarian identification documents and with the administrative servicing of permanently staying foreigners.

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

Additional provisions

§ 1. In the context of this law:

1. "Family" are the spouses and their children under age if the latter have not entered in a marriage.

2. "Systematic breach" is at hand when in 2 years the foreigner has committed more than two breaches.

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

4. "Expelling" is compulsory taking the foreigner out of the borders of the country in short term due to committed breaches or due to lack of grounds for stay in it.

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

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

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

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

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

9. (New, SG 42/01; amend., SG 112/01) "Free-lance activity" is every economic activity, with exception of the activities under art. 24a, para 1, item 2 and 11 carried out in personal quality without commitment to an employer.

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

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

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

Transitional and concluding provisions

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

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

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

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

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

Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

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

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

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

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

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

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

Transitional and concluding provisions TO THE LAW FOR AMENDMENT AND SUPPLEMENT OF THE SOCIAL INSURANCE

(PROM. – SG 82/06)

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

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

Concluding provisions TO THE LAW FOR AMENDMENT AND SUPPLEMENT OF THE LAW FOR THE FOREIGNERS IN THE REPUBLIC OF BULGARIA

(PROM. – SG 63/05)

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

Additional provisions TO THE LAW OF AMENDMENT AND SUPPLEMENT OF
THE LAW FOR THE FOREIGNERS IN THE REPUBLIC OF BULGARIA

(PROM. – SG 29/07)

§ 40. This Law shall introduce the requirements of Council Directive 2003/110/EC of

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