VISA POLICY AS MIGRATION CHANNEL IN
THE REPUBLIC OF BULGARIA

Research study within the framework of the European Migration Network (EMN)

February 2012
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Summary

Visa policy as part of EU immigration policy aims to contribute to a single area of freedom, security and justice. Abolition of controls at common internal borders of Member States through the Schengen Agreement requires the introduction of joint action of the external borders of the Union towards third country nations.

Republic of Bulgaria recognizes the importance of the common visa policy of the Community and concentrating on its application. Bulgaria's responsibility in managing migration will increase after its accession to the Schengen area. On the one hand are expected significantly increase the migratory pressures to the country, which means increasing of visa applicants. On the other hand visas which will be issued by the competent Bulgarian authorities will allow their holders to move freely not only throughout the country, but within the whole Schengen area.

Abolition of controls at common internal borders of Member States through the Schengen Agreement requires the introduction of joint action of the external borders of the Union towards third countries. The commitments of the Republic of Bulgaria in the EU and its accession to the Schengen require full implementation of the common visa policy.

At present, Republic of Bulgaria partially implemented the Schengen acquis, as Bulgarian missions abroad issue only national visas entitle the entry and stay in Bulgaria up to 90 days within 180 days. After joining the Schengen area, Bulgaria will start issuing uniform visas which entitle the movement in the whole Schengen area.

The Republic of Bulgaria will become a part and will participate actively in the process of consultation visas. Bulgarian authorities will be charged with the responsibility both to advise the authorities of other Member States and to be consulted by them for certain nationalities or certain categories of citizens in the process of issuing visas.

Bulgaria's accession to the Schengen area will lead in the next few years to increase migratory pressure on the country in terms of illegal migration and to persons seeking asylum and protection. Our country must be prepared for this by taking adequate preventive measures on security and combating illegal migration and integration measures for persons who are granted asylum in Bulgaria.

Gradually, the Republic of Bulgaria has transformed from a country of origin and transit in the country, attracting migration. The data show a decreasing trend of emigration and stable upward trend of immigration to the Republic of Bulgaria. This means that the national policy of the state must be prepared for successfully manage immigration processes, including integration of migrants to maintain its stability and efficiency in such a medium and long term development.

Demographic data across Europe shows trends towards an aging population. In economic terms, this means reducing the workforce which have to be made up of attracting such third country nationals.

In 2011 was adopted a new strategy on migration, asylum and integration from 2011 to 2020 year. The strategy has two main objectives:

- Involvement of Bulgarian citizens and foreigners with Bulgarian origin for permanent establishment or settlement in Bulgaria;
The emphasis in Strategy is focused on legal migration policies and integration. Implementation of the strategy is implemented through annual action plans and annual reports. The documents have been prepared a number of specific measures relating to legal migration and integration of third country nationals as well as those aimed at Bulgarian emigrants and persons of Bulgarian origin, refugees and asylum seekers.

Bulgaria's accession to the Schengen area increased commitments of our country in the security of the European external borders and creating new conditions requiring a focus on combating illegal migration in the context of national and European security.

Combating illegal immigration is one of the main priorities of the Bulgarian policy on the area of security and management of migration processes. As an EU external border Republic of Bulgaria has commitment to its effective management and security.

1. INTRODUCTION

1.1. Purpose

The purpose of the study is to analyze the visa policy in the Republic of Bulgaria and to face the link between visa policy and irregular migration.

The main purpose is articulated through three sub-goals:

- to discuss how the political and national visions and strategies on migration perceive visa policy and the way they are included among the national priorities in this area;

- to single out the principal institutions with responsibilities relating to these forms of migration and their cooperation with other social partners such as policymakers;

- to assess the available data, and the regularity and reliability of statistical information collection.

In accordance with the analytical framework of EMN, the study focuses on citizens of third countries as immigrants in Bulgaria, however, elements of intraEuropean mobility will be incorporated as well because they are significant in the case of Bulgaria.

It is necessary to point out that Bulgaria is still a predominantly emigrant rather than an immigrant country.

The study has several target audiences:

- ministries and other responsible institutions which have competencies in the sphere of visa policy;

- policymakers;

- non-government organizations;

- civil society and migrant communities’ representatives.

1.2. Methodology

- Interviews with national experts: visa department of the Ministry of Interior and frequent contacts (via emails or telephone)
- Questionnaire: sent to several French consular posts abroad

**Objective:** collect “field information” to explicit the link between visa policy and legal/irregular migration

- EU/national legislation

- Publications (existing studies, internal documents prepared for the interministerial Committee for Migration and for other bodies, research papers, raports from various institutions etc)

- Statistical data: International protection, residence permits, removals, LBT, etc.) and Visas – (2001-2007) lack of data dissagregated by purpose, applicant’s characteristics etc), slight improvement since 2008.

As an element of the EU’s immigration policy, the visa policy aims to contribute to the establishment of a single area of freedom, security and justice. The lifting of internal border controls between the Member States under the Schengen Agreement calls for taking joint actions at the external borders of the Union in respect of third-country nationals. The Republic of Bulgaria recognizes the importance of the EU common visa policy and focuses efforts on its implementation. Bulgaria’s migration management responsibilities will increase when the country enters the Schengen Area. On one part, this means higher migration pressure on the country and also higher number of visa applicants. The visas to be issued by the competent Bulgarian authorities will enable their holders to move freely on national territory as well as throughout the Schengen Area. The Republic of Bulgaria will be part of and an active player in the visa consultation process. The competent Bulgarian authorities will be entrusted with the responsibility to consult with the authorities of other Member States on certain citizenships and individual categories of citizens in the visa issuing process.

**2. POLICY AND LEGAL FRAMEWORK FOR THE GRANTING OF VISA IN THE REPUBLIC OF BULGARIA**

Due to its geographical situation, Bulgaria is one of the main gateways to Europe and westward migration flows remain steady. Tightened border controls and stricter visa policy, with a computerized system since 1995, have significantly reduced illegal immigration both to Bulgaria and from Bulgaria to the EU Member States, although inward and outward bound human trafficking still constitutes a problem. The immigration pressure on Bulgaria as a transit country for migration remains. The main regions of origin are Turkey, Romania, Iraq, Iran, the CIS and the African countries. The bulk of migrants want to go to Western Europe but many immigrants settle in the country; liberal immigration legislation allows easy access to the labour and investment markets, thus providing a variety of grounds to regularize the alien's residence permit.

Currently Bulgaria has finished a significant part of the activities needed to put Bulgaria consular services in compliance with Schengen requirements and to meet the technical preconditions, necessary for connection with VIS.

**2.1 National Policy and legislative framework**

a) Does your national government have a “general” vision on the (possible) (future) role of national visas in promoting legal migration and preventing irregular migration?
National policy on promoting legal migration and visa policy towards the national visa “D” was enshrined in the National Strategy on Migration, Asylum and Integration (2011-2020). Republic of Bulgaria as an EU external border work for the fulfillment of a long, unified and explicit policy of the European border security, fighting illegal migration, smuggling, trafficking in human beings.

In recent years the Republic of Bulgaria gradually and sustainable growth is transformed from country of emigration, through a transit country to country, attracting immigration. More and more foreigners choose Bulgaria as a place to study, qualify and to seek professional opportunities. Thus require Republic of Bulgaria to be prepared for increase trend in immigration flows, legal and illegal coming years.

Migration policy in terms of living abroad Bulgarian nationals and persons of Bulgarian origin abroad is seen as a possible resource to overcome the negative demographic trends in Bulgaria. Economic growth in a post-crisis period, coupled with the completion of reforms in key sectors of society and proactive measures by the government is expected to lead to:

- Tendency of return of the Bulgarian emigrants who have left the country in the last 20 years;
- A permanent establishment in the territory of the country of persons with Bulgarian origin living abroad.

The development of migration processes will result in the transformation of Bulgaria by emitting emigration to a country receiving immigrants. Thus, integration of third country nationals will increasingly become a key element of the overall migration policy of the country to attract foreign citizens of Bulgarian origin, Bulgarians living outside the Republic of Bulgaria, Bulgarian citizens first and second generation migrants, highly skilled migrants.

Migration is a phenomenon and will be present globally. Well managed, it can be derived benefits for the national labor market and economic growth in the EU for the welfare of the migrants themselves and their countries of origin.

The ten-year time span of the Strategy reflects a thorough analysis and long-term outlook for migration development and justify a framework for sustainable development policy for managing migration processes.

In the national legislation of the Republic of Bulgaria are introduced and applied the relevant Community legislation relating to migration and asylum. They are reflected in a number of legal acts in the primary, secondary and tertiary legislation. Meeting the criteria set out in main directives of the European Union is a key element for the realization of a common immigration policy aimed at ensuring, at all stages efficient management of migration flows, fair treatment of third country nationals residing legally in Member States, and prevent illegal migration and human trafficking and enhanced measures to combat these phenomena.

**Legislation on visa policy and migration**

1. Law on Foreigners in the Republic of Bulgaria. The Act introduced all relevant Community instruments which regulate the right of entry, stay and exit from the country of third-countries.
2. Law on Bulgarian Identity documents. The law regulates the terms and conditions for issuance of Bulgarian identity documents for citizens of third country nationals to persons granted under the Law on Asylum and refugees and EU citizens and their family
members whose status is settled in the Law for entry, stay and departure of the Republic of Bulgaria for EU citizens and their family members. The application of Regulation (EC) 1030/2002 is provided by issuing residence permits under the European single format and provides the high technical standards.

3. Law on entry, stay and departure of the Republic of Bulgaria for EU citizens and their family members. The law regulates the status of this category of persons.

4. Law for the Bulgarians living outside the Republic of Bulgaria and the Bulgarian Citizenship Act. Both laws contain provisions on the implementation of various procedures related to Bulgarians abroad.

5. Penal Code. It contains provisions sanctioning illegal migration, human trafficking and illegal crossing the state border.

6. The Law for the Ministry of the Interior. The law regulates the exchange of information or data by competent authorities of Member States in order to prevent, investigate and detect crime.

7. Law on combating human trafficking. The focus of the law is on prevention and protection of victims, especially women and children, as well as special protection for victims who cooperate with the police.

8. Law on Asylum and refugees. The law lays down the procedure for granting special protection to foreigners in the Republic of Bulgaria, as well as their rights and obligations.

9. Law on Employment Promotion. The Act regulates the issuance of work permits, access of EU citizens, EEA, Swiss and third country nationals to register in departments "Bureau of Labor" and to use services provided by the Employment Agency.

10. Civil Registration Act. The Act regulates the conditions and procedures for civil registration of individuals in Bulgaria. The records of the population entered the foreigners who have been granted permanent residence in Bulgaria, stateless persons permanently settled in the country, and persons granted refugee or humanitarian status or granted asylum in Rebulika Bulgaria.

b) What is the national visa policy in your (Member) State? Provide an overview of your (Member) State’s national policy (including planned developments) in relation to the granting, or non-granting, of visas for different purposes, such as employment, education, family reunification, humanitarian.

Visa policy as part of EU immigration policy aims to contribute for creating a single area of freedom, security and justice. Abolition of controls at common internal borders of Member States through the Schengen Agreement requires the introduction of joint action of the external borders of the Union towards third country nationals.

Republic of Bulgaria recognizes the importance of the common visa policy of the Community and concentrating on its application. Bulgaria's responsibility in managing migration will increase after accession to the Schengen area. On the one hand are expected significantly increasing of the migratory pressures to the country, which means to increase the number of visa applicants. Visas which will be issued by the competent Bulgarian authorities will allow their holders to move freely not only throughout the country, but within the whole Schengen area. Bulgaria will become a part and participate actively in the process of visa consultations. Bulgarian authorities will be charged with the responsibility both to advise the authorities of other Member States and to be consulted by them for certain nationalities or certain categories of citizens in the process of issuing visas.
Bulgaria's accession to the Schengen area increased commitments of our country in the security of the European external borders and creating new conditions requiring a focus on combating illegal migration in the context of national and European security.

Bulgaria will continue to work consistently to develop a common European migration policy complementing the individual Member States and to prepare for the development envisaged in the Stockholm program and Code of immigration. In this sense, our country supports the discussion and adoption of specific directives governing entry and residence of third country nationals subject to intra-corporate transferees and as seasonal workers.

Discussions pertaining to the posting of workers also are a priority in order to clarify the obligations of national authorities and strengthen their cooperation at EU level. Bulgaria also supports the establishment of a coordination mechanism on integration of legally resident third country nationals between Member States. Integration policy should be linked with the need for manpower in the labor market.

Bulgaria considers that positive relationship between migration and development as an important part of migration management. Priority should be given the maximum development and effective management of legal migration, especially labor, including through the implementation of real politics, reflected in specific projects and supported at European level.

Bulgaria will work towards the achievement of even greater progress in the Global Migration Approach. Should be deepened cooperation and political dialogue with all countries of origin and transit and to promote mobility partnerships, circular migration and platforms for cooperation on migration and development. In connection with this work the main priority is implementation of signed mobility partnerships with Moldova and Georgia and further steps on the conclusion of sighed such a partnership with Armenia, as well as to identify other potential countries that are of interest to the Republic of Bulgaria.

Republic of Bulgaria pursues effective integration policy which aimed a successful integration of legally resident foreigners in the country by providing equal rights, responsibilities and opportunities. Integration Policy of the Republic of Bulgaria should be assisted by the establishment and strengthening of structures and tools for information exchange and coordination with other relevant policy areas such as employment, education and social inclusion. The competent national institutions direct their efforts towards strengthening and expanding the network of centers for immigrants in areas with greater concentration, use of induction and multicultural education programs, conducting sustained dialogue with immigrant communities and organizing integration courses and information campaigns.

Preparation of competent institutions of the regular surveys on the number of persons who have acquired Bulgarian citizenship and their subsequent integration into society. We need to develop mechanisms for effective collaboration of the Ministry of Education and Science universities that are instrumental in attracting educated immigrants.

Effective policy of protection of fundamental rights of migrants should be conducted through planning measures to provide legal assistance to representatives of target groups, ensuring the right of translation and of discrimination and xenophobia.

The Ministry of Foreign Affairs (MFA) is responsible for visa policy and consular activities.

Consular Relations Directorate at the Ministry of Foreign Affairs is responsible for:
- Maintaining the System for Visa Control in accordance with the requirements of EU and
Schengen requirements; is responsible for its connection with the European Visa Information System and the setting up and maintenance of the Back -up Visa Center.
- Coordinating the restructuring and reorganization of the work of the Visa Center and Consular Services of the Republic of Bulgaria abroad to meet the Schengen requirements, interact with the competent Bulgarian authorities and visa services of the Member States on the visa application and issuance of Schengen visas after the accession to the Schengen area.
- Interacting with the competent departments and institutions in the state to implement a common and lawful activity in consular affairs and in particular the application of visa, the border crossing control and counteraction to illegal migration and combating transnational crime.

To enter Bulgaria, foreign citizens must have a valid travel document issued in their country of citizenship. Foreigners with a Bulgarian Long-term or Permanent Residence Permit are obligated to carry the permit certificate or card as well. Foreigners failing to present these identification documents to the controlling authorities are fined. Nationals from all EU member states, the USA and Canada and some other countries do not need a visa for a short stay in Bulgaria that does not exceed 90 days. A visa is not required for non-EU citizens who have a residency card issued by an EU member state.

Since the date of its accession to the EU, Bulgaria has strictly been applying Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, having updated the lists of third countries whose nationals must be in possession of visas and those whose nationals are exempt from that requirement. Currently Bulgaria issues national visas only. Those visas do not give their holders the right to enter the Schengen area.

c) Please provide a general overview of the overall legal framework in your Member State in relation to the granting, or non-granting, of visas, in particular of national (Type D) ones for different purposes. In what way does your national visa policy ensure that third-country nationals admitted under the EU legal migration directives are granted “every facility for obtaining the requisite visa”?

Visas issuing activities are carried out in accordance with the following legal provisions:
- Constitution of the Republic of Bulgaria;
- Law for the Foreigners in the Republic of Bulgaria;
- Law for Entering, Residing and Leaving the Republic of Bulgaria of European Union Citizens and Members of Their Families;
- Diplomatic Service Act;
- Regulations for Application of the Law for the Foreigners in the Republic of Bulgaria;
- Rules of Organization of the Ministry of Foreign Affairs;
- Ordinance Establishing the Terms and Procedure for the Issuing of Visas and Imposition of Visa Requirements; (OETPIIVIR)
- Ordinance Establishing the Terms and Procedure for the Printing, Safe Custody, Affixation, Cancellation, Discarding, Destruction and Accounting for Visa-Stickers and of Separate Sheets for Affixation of Visas;
- Instruction 1s-1063 of 5 June 2007 on the Issuing of Visas at the Border-Crossing Checkpoints, issued by the Minister of Interior and the Minister of Foreign Affairs;
- Tariff No. 3 of Fees Charged for Consular Services within the System of the Ministry of Foreign Affairs under the Stamp Duty Act;
- Instruction on Conduct of Inspections at the Diplomatic Missions and Consular Posts of the Republic of Bulgaria Abroad in Respect of the Accounting for and Control over Revenues on the Basis of the National Visa System.

The OETPIVIVR establishes the terms and procedure for the issuing of visas and the visa regime applicable to third-country nationals. According to Article 2 “The requirement to be in possession of a visa, as well as the exemption from that requirement, shall be determined by EU law and the treaties of the European Union with third States on visa requirements, the legislation of the Republic of Bulgaria, the bilateral agreements of the Republic of Bulgaria with third States regulating visa requirements for the holders of diplomatic and official passports.” Article 4 provides for the specific rules of this visa regime and references to the relevant legal act of the European Union - Council Regulation (EC) No 539/2001 of 15 March 2001 and agreements between the European Union and a third State. Respective measures have been undertaken in order to assure the compliance of the national legislation with the Visa Code provisions. Some of the amended provisions have been already entered into force.

*Long-stay visas are issued for reasons which can be summarized in the following subgroups:*

1. Visas for family reunification of family members of Bulgarian citizen or permanent resident alien
   1.1 are financially secured parents of resident aliens or Bulgarian citizen;
   1.2 have grounds to be granted permanent residence or are married to resident alien in the country
   1.3 are family members of a Bulgarian citizen under Art. 2, para. 6
   1.4 are family members of an alien who has received permission for permanent residence;
   1.5 are parents of a foreigner or live in concubinage with a foreigner who has obtained permission for permanent residence pursuant to Art. 22, para.
   1.6 minor children of permanent resident alien in the country who are not married;
   1.7 parents of Bulgarian citizens when they provide a statutory maintenance due, in the case of recognition or adoption - after three years of affiliation or adoption;
   1.8 family members of a Bulgarian citizen, if they have resided continuously in the territory of the Republic of Bulgaria in the last five years;

2. Visas to attract investors
   2.1 out business in the country legally in order and as a result of tazideynost revealed at least 10 jobs for Bulgarian citizens, maintained for the duration of residence, unless otherwise agreed in international treaties ratified, promulgated and entered into force Republic of Bulgaria;
   2.2. invested over 1 million Levs or increase the investment with this size through the acquisition of:
   a) shares in Bulgarian companies traded on the Bulgarian regulated market;
   b) bonds and Treasury bonds and derivative instruments issued
by the state or municipalities, with a residual maturity of not less than 6 months;
c) ownership of a separate part of the assets of Bulgarian commercial
company with more than 50 per cent state or municipal participation in the capital under the
Privatization and Post Privatization Control;
d) units or shares owned by the state or municipalities in Bulgarian commercial
company under the Privatization and Post Privatization Control;
e) Bulgarian intellectual property - subject to copyright and related rights protected by patent
inventions, utility models, trademarks, service marks and industrial designs;
f) the rights of concession contracts in the Republic of Bulgaria;
7. deposited the amount under item 6 in the Bulgarian credit institution licensed under a trust for
a period of not less than 5 years;
8. invested capital of a Bulgarian company whose shares are not traded on a regulated market,
an amount not less than six million lev;
2.3 operate and are certified by the Law on Investment Promotion.

3. Visas to work, training, medical care they wish to perform work under labor contracts and
other
3.1 are foreign specialists staying in the country under international treaties to which Bulgaria is
a party;
3.2. received prolonged treatment in a hospital and have the financial resources for treatment
and maintenance;
3.3. are correspondents of foreign media and have accreditation in Bulgaria;
3.4 Pensions are provided with sufficient means of subsistence in country;
3.5. wish to operate with profit after permission from Ministry of Justice on conditions and
procedures specified by the Minister of Justice, in coordination with the Interior Minister and
Chairman of State Agency "National Security";
3.6. are granted special protection under Art. 25 of the Act to combat human trafficking;
3.7 representatives of foreign companies registered in Bulgarian Chamber of Commerce;
3.8 wish to operate as a freelancer after authorization by the Ministry of Labour and Social
Policy in accordance with Art. 24a.

4. visas in relation to attracting scientists and researchers
4.1 researchers concluded a hosting agreement with a research organization based in the
Republic of Bulgaria to develop a research project on the national list of research organizations
under Directive 2005/71/EC on a specific procedure for admitting third straniza purpose of
conducting research.
4.2 are adopted for the regular training in high school, students admitted to the territory of the
country for training in the average level of education within an exchange program or as a trainee
without pay.

5. visas in order to attract persons of Bulgarian nationality or origin for repatriation
5.1 visas for persons of Bulgarian origin;
5.2. are not persons of Bulgarian origin born in the Republic of Bulgaria, have lost their
Bulgarian citizenship by emigration agreements or on their own and want to settle permanently
in the country;
5.3. which until 27 December 1998 entered, resident or born in Bulgaria and whose parent has
entered into marriage with a Bulgarian citizen;
5.4. which until 27 December 1998 have come, stay and have not left the territory of the
Republic of Bulgaria or are born in Bulgaria and are not recognized as citizens of former Soviet
republics; for this category of persons subject to the requirement of Art. 15, para. 1;
To obtain a long stay visa and permanent residence permit persons should be provided with accommodation, mandatory health insurance and provide sufficient funds to maintain themselves without recourse to social assistance system, in an amount not less than the minimum monthly salary or the minimum pension under the legislation of the Republic of Bulgaria for the period of residence. Upon initial application for a residence permit persons aged 18 years, with the exception of stateless persons and submit criminal records issued by the State whose nationality or the country of habitual residence.

The grounds for refusal of a visa for Bulgaria are regulated by art. 10 of the Law on Foreigners in Bulgaria and are analogous to the grounds for refusal of Schengen visas in accordance with Art. 32 of the Visa Code: Among the reasons are actions that the alien has made or may endanger the security or interests of the Bulgarian State or where there is evidence that acting against national security; act which has discredited the Bulgarian state or derogated the prestige and dignity of the Bulgarian nation and its entry into the country could harm relations of Bulgaria with another country, evidence that a member of a criminal group or organization that carried out terrorist activities, smuggling and illegal arms deals, explosives, ammunition, pyrotechnics, strategic raw materials, products and dual-use and illicit trafficking in narcotic drugs and psychotropic substances and precursors and raw materials for their production, there is evidence that trade in human beings and illegal entry into the country and the removal of persons in other countries and others. It should be noted that the grounds for refusing to face an alert in the Schengen Information System for refusal of entry will be applicable to Bulgaria after the adoption and entry into force of the decision of the EU Council for the full implementation of the Republic of Bulgaria to the provisions of the Schengen acquis.

As clearly speak above reasons, the refusal of a visa has a strong preventive nature to avoid the country (and in perspective, within the Schengen area) of the persons for whom there is evidence that the list of undesirable aliens, and they represent threat to national security and public order. This is the other side of the visa policy, its deterrent and effective means to combat terrorism and other life-threatening human health and negative phenomena. Before deciding to issue a visa, the competent authority (the consular officer or authorities at the border checkpoint in the event of a visa at the border) must check in automated data bases and in case of detecting a signal for a particular person visa can be issued.

With the new amendments to the Law on Foreigners in Bulgaria a procedure for appealing the denial of a visa under the Administrative Procedure Code of the Republic of Bulgaria for this purpose shall be served and a special withdrawal form, which is introduced by application of the Ordinance on terms and conditions for issuing visas and to determine the visa.

d) Does your national visa policy include an explicit link to migration policy in particular relating to:

- Legal immigration? If so, is any specific focus placed on certain third countries and/or any specific categories of third-country nationals (e.g. highly-skilled)?

Migration policy in terms of living abroad Bulgarian nationals and persons of Bulgarian origin abroad is seen as a possible resource to overcome the negative demographic trends in Bulgaria. Economic growth in a post-crisis period, coupled with the completion of reforms in key sectors of society and proactive measures by the government is expected to lead to:
- Tendency to return to the Bulgarian emigrants who have left in the last 20 years;
- A permanent establishment in the country to live abroad persons of Bulgarian origin.

Visa policy of issuing national visas will be sasrodotochena on:
- Involvement of Bulgarian citizens and foreigners of Bulgarian origin for permanent settlement or settlement in Bulgaria;
- Implementation of a modern policy administration of third parties to assist the Bulgarian economy and effective regulation and control of migration processes.

In 2009 and 2010, due to the crisis, the Republic of Bulgaria does not attract the same number of third countries in 2008 - in a pronounced upturn. This is understandable, given the fact that each crisis to the fore the protection of national labor market, namely the desire of the state to preserve jobs for its citizens in order to reduce unemployment.

In a number of indicators in 2008 identified several third countries, Moldova, Ukraine and Armenia in order to start consultations on concluding bilateral agreements on labor migration. With the crisis in 2009, this activity was postponed for the purpose of curbing unemployment in the country. The action is set in Priority IV, targets 134 and 136 in the Government program of the European Development of Bulgaria in 2011 to start work on the consultation on draft agreements on labor migration in Moldova, Ukraine and Armenia.

The analysis shows that the instrument “Blue card” will be sufficient given the impossibility at this stage Bulgaria to compete economically and socially with the other member states in the race to attract the best professionals. It is imperative that the conduct of specialized national policy to attract highly skilled migrants. It is necessary to further strengthen the work and social dialogue within the National Council on Labour Migration to the Minister of Labour and Social Policy. This Council has key responsibilities for implementing the arrangements for access to the Bulgarian labor market to nationals of third countries, decisions on updating the legislation in this area, as well as in connection with employment agreements or regulation of labor migration. It is necessary to create and develop national forums for integration, to enhance information exchange and cooperation between institutions, NGOs and international organizations at the national level and effective use of the Forum of the European Fund for Integration of third country nationals and European website.

Integration of immigrants is a prerequisite for stable economic growth, but only in terms of social cohesion and fruitful dialogue in a multicultural society. Should involve the media and the academic community to increase awareness and knowledge about the objectives and priorities of the national migration policy. It is government policy to be geared towards further social integration of persons of Bulgarian origin, acquired Bulgarian citizenship or permanent resident of Bulgaria. To achieve this objective is to create a legal framework regulating the processes of socialization and integration. The draft new law on Bulgarians and Bulgarian communities outside the Republic of Bulgaria provides for Bulgarians - foreign nationals or stateless persons wishing to settle in the Republic of Bulgaria to receive permission for permanent residence under preferential arrangements.

- Irregular migration? If so, is any specific focus placed on certain third countries, any specific visa types (e.g. Type D) and/or any specific categories of third-country nationals (e.g. students who may potentially abuse student visas in order to stay for other purposes)?

In recent years the Republic of Bulgaria gradually and sustainable growth is transformed from country of immigration, through a transit country to country, attracting immigration. More
and more foreigners choose Bulgaria as a place to study, qualify and to seek professional opportunities. This requires Bulgaria to be prepared for increasing immigration flows, legal and illegal coming years.

The operational situation along the border has dramatically changed after the Bulgarian accession to the EU. The introduction of visas for citizens of neighbouring countries has led to an increase in the number of refusals of entry, which predetermined the increased use of false and forged documents, including falsified visas, respectively increased the attempts to illegally crossing the green border.

On the other hand part of the third country nationals with long-term residence in Schengen States arrived to Bulgarian BCPs unaware, that they still need a visa for Bulgaria. This dramatically increased the number of refusals to enter the country in 2007. In 2008 in accordance with Decision № 582 of the European Parliament and the Council, Bulgaria began to recognize the visas and residence permits issued by Schengen countries, Romania and Cyprus as equivalent to Bulgarian transit visas, , which led to a reduction in the number of refusals of entry.

The number of persons detained for forged or false documents, visas, border stamps (for validation of the stay in EU countries, USA etc.) for the period 2006 – 2009 is as follows:
- 2006 – 405;
- 2007 - 483;
- 2008 -336;
- 2009 – 316

e) Does your national legislation in relation to the granting, or non-granting, of visas include an explicit link to migration legislation in particular relating to:
- Legal immigration? If so, what is the specific focus of these (visa types, categories)?

Migration policy in terms of living abroad Bulgarian nationals and persons of Bulgarian origin abroad is seen as a possible resource to overcome the negative demographic trends in Bulgaria. Economic growth in a post-crisis period, coupled with the completion of reforms in key sectors of society and proactive measures by the government is expected to:
- Tendency to return to the Bulgarian emigrants who have left in the last 20 years;
- A permanent establishment in the territory of the country living behind limit persons of Bulgarian origin.

- Irregular migration? If so, what is the specific focus of these (visa types, categories)?

Since 2007 Bulgaria has been mandatory implementing the following part of the common visa policy:
- Council Regulation (EC) No 453/2003 of 6 March 2003 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 69, 13.3.2003, p. 10)
- Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4)
- Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (OJ L 327, 12.12.2001, p. 1)
- Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.03.2001, p. 1).
- Annexes 1-3, 7, 8 and 15 of the Common Consular Instructions. SCH/Com-ex (98) 57 Decision of the Executive Committee of 16 December 1998 on the introduction of a harmonised form providing proof of invitation, sponsorship and accommodation.

The rest will be implemented from the date of Council's decision on accession to the Schengen area.

It is noted increased requests for visas from citizens of other countries in relation to Bulgaria's membership in the EU, but no distinct states, which have seen a sharp increase in applications for Bulgarian visas and even increase in a number of different nationalities. With regard to cases of refusal to the Bulgarian visa is an increase in the number of refusals citizens of countries with povishenimigratsionen risk (part of the countries listed in Annex 1 of Regulation (EC) N: 539/2001 of the Council) - Algeria Afghanistan, Iraq, Syria, refused encircling of these countries varies between 30 and 40% of applications. The increased number of refusals is the result of increased requirements, complying with European legislation on completion and issuing of visas in order to fulfill the criteria for the forthcoming accession of Bulgaria into the Schengen area. The relatively low percentage of refusals in respect of all issued visas for all nationalities and all consular services is the result of general increase in all visa applications, the main amount of this increase are applications from nationals of countries with low immigration risk.

2.2 Agreements with third countries
a) Are visa facilitation agreements and exemptions in place in your (Member) State?\(^1\) If so with which third countries?

From 1 January 2007 the Republic of Bulgaria applies the common visa policy of the European Union under the Treaty of Accession. According to Art. 4 of the Act of Accession of Bulgaria and Romania, the provisions of the Schengen acquis referred to in Annex II the Act are binding on and applicable in Bulgaria from the date of accession (1.01.2007), the rest will be implemented from the date of the Council's decision to join the Schengen area. The Council's decision will be made after verification in accordance with applicable procedures.

\(^1\) In the case of non-Schengen Member States, visa facilitation agreements and exemptions may also related to short-stay visas
Among the regulations that apply directly after the accession of Bulgaria to the EU in 2007, is the basic Regulation, which determines the visa regime, which the European Union applies to nationals of third countries, namely Regulation (EC) N: 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from this requirement, and the attached list of third countries whose nationals must have visas and a list of third countries whose nationals are exempt from visa requirements ( “positive” and “negative” list.).

Bulgaria applies the provisions of the visa facilitation agreements between the EU and third countries: the Russian Federation, Ukraine, Moldova and Western Balkan countries. Under these agreements are taken to update the existing bilateral agreements governing the terms and conditions for issuing visas for transit and short stay in those countries. Visa policy of the Republic of Bulgaria to neighbouring countries is in the spirit of the traditional close relations in accordance with the common visa policy.

Bulgaria applied directly to the agreements to facilitate the issuance of visas to European Union concluded with third countries as follows:

- Agreement between the European Community and the Russian Federation on the facilitation of issuance of short-stay visas
- Agreement between the European Community and Albania on the facilitation of issuance of visas
- Agreement between the European Community and Bosnia and Herzegovina on the facilitation of issuance of visas
- Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the facilitation of issuance of visas
- Agreement between the European Community and the Republic of Moldova on the facilitation of issuance of visas
- Agreement between the European Community and Serbia on the facilitation of issuance of visas
- Agreement between the European Community and the Republic of Montenegro on the facilitation of issuance of visas
- Agreement between the European Community and Ukraine on the facilitation of issuance of visas
- Agreement between the European Union and Georgia on the facilitation of issuance of visas

b) Are any other bilateral/multilateral agreements in place in your (Member) State with respect to visas? If so, with which third countries?

Bulgaria currently has signed agreements for exemption from the visa requirement for holders of diplomatic and / or service passports of Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, China, Macedonia, Georgia, India, Indonesia, Iran, Kazakhstan, Kuwait, Moldova, Mongolia Montenegro, Morocco, Peru, Russian Federation, Serbia, South Africa,
Tunisia, Turkey, Turkmenistan, Ukraine and Vietnam. In the coming months is expected to come into force and the Agreement with the State of Qatar.

c) What are the purposes of the facilitation agreements and other bilateral/multilateral agreements? Do these agreements have a specific focus on the facilitation of legal migration and/or the prevention of irregular migration?

Bulgaria applies the provisions of the visa facilitation agreements between the EU and third countries: the Russian Federation, Ukraine, Moldova and Western Balkan countries. Under these agreements are taken to update the existing bilateral agreements governing the terms and conditions for issuing visas for transit and short stay in those countries. Visa policy of the Republic of Bulgaria to neighbouring countries is in the spirit of the traditional close relations in accordance with the common visa policy.

The purpose of the agreements is to facilitate issuance of visas to nationals of the third party for an intended stay of no more than 90 days within a period of 180 days (i.e. short-term visas). The facilities are linked to more easily demonstrate the purpose of the journey, it is referred to the written document required by the categories of persons (pupils, students, business people, participants in cultural and sporting events, etc.). For the categories of persons mentioned in the agreements, visas are issued under the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey. There are many cases of certain categories of persons to be granted multiple entry visas. Incentives are also provided in relation to fees for visas? under the agreements, the visa fee for nationals of the third party amount to 35 euros for a single fee for a visa under the Visa Code 60 euros, and a wide range of people (relatives, members of official delegations who have presented documents proving necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and many others) are fully exempted from payment of fee.

Provided with the abovementioned agreements concessions are extremely serious and incentives and have a significant contribution to the reform processes. However, parties to those agreements “recognize that facilities for issuing visas should not lead to illegal migration and paying special attention to security and readmission”.

2.3 Recent changes to Visa Policy and Legislation within context of a common EU dimension

From 1 January 2007 the Republic of Bulgaria applies the common visa policy of the European Union under the Treaty of Accession. According to Art. 4 of the Act of Accession of Bulgaria and Romania, the provisions of the Schengen acquis referred to in Annex II the Act are binding on and applicable in Bulgaria from the date of accession (1.01.2007), the rest will be implemented from the date of the Council's decision to join the Schengen area. The Council's decision will be made after verification in accordance with applicable procedures.

To implement the Schengen criteria during the preparation / 2007-2010 / in Bulgaria has taken all necessary actions to promptly bring the national legislation in accordance with European, update of our international legal contractual basis, provide the necessary modern equipment and infrastructure and strengthening administrative capacity, our country enjoys the experience and best practices in Member States. To implement certain recommendations of the Schengen criteria have been changes in legislation (Law on entry, stay and departure of the
Republic of Bulgaria to European Union citizens and their family members, the Law on Foreigners in Bulgaria Ordinance on the terms and conditions for issuing visas and identification of visa Tariff N:3 for fees collected for consular services in the Ministry of Foreign Affairs under the State Ordinance on fees and arrangements for printing, storage, application, cancellation, rejection, destruction and reporting of visa stickers and forms for affixing visas).

a) What, if any, changes have occurred in your (Member) State in relation to EU visa policy, legislation (e.g. VIS, Visa Code, Schengen) and visa exemptions? Have there been any significant changes due to the adoption of the common approach?

Joining Schengen area requires full harmonization of the legislation. For achieving this goal legislative and institutional changes in the area of Bulgarian visa policy have been carried out.

Bulgaria has adopted most of the rules for visa types, validity, permitted term of stay and permitted numbers of entries. In addition the Law for the foreigners in the Republic of Bulgaria stipulates collecting of biometrical data (photograph and fingerprint) which can be used for checking the identity with regards to the procedure for visa issuing or border control. Only the data required under the VIS Regulation will be collected from visa applicants.


The Republic of Bulgaria is not yet part of the Schengen area and so far does not issue uniform visas but only national visas. The Visa Code constitutes an act within the meaning of Article 4 (2) of the 2005 Act of Accession and therefore, shall only apply pursuant to a Council decision to that effect after verification in accordance with the applicable Schengen evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met.

With regard to the successful preparation for the accession of Bulgaria to the Schengen area, measures have been undertaken in order to assure the compliance of the national legislation with the Visa Code provisions. As far as the visa fees are concerned, amendment to the Tariff No. 3 of Fees Charged for Consular Services within the System of the Ministry of Foreign Affairs under the Stamp Duty Act have already been adopted by the Council of Ministers. Bulgaria strictly implements Annex IV of the Visa Code - common list of third countries whose nationals are required to be in possession of an airport transit visa when passing through the international transit area of airports situated on the territory of the Member States.

Bulgaria has identified a series of measures to prepare for adoption of missions "Schengen evaluation in the field of visa policy and practice to join the Schengen area. Efforts were directed towards the legal, institutional, administrative and financial readiness for full implementation of the Schengen acquis and accession to the Schengen area. Currently, Bulgaria is ready to implement a part of the Schengen acquis. Full implementation and in particular observing the provisions for issuing Schengen visas, to include the Visa Information System / VIS / VISION and SIS will be achieved once the specific decision of the EU is adopted.
b) If relevant, please also note the approaches and procedures which your (Member) State chose to take regarding procedures relating to non-harmonised aspects of the common EU Visa Policy, e.g., the issuing of invitations, motivations for refusing appeals, etc. For example, with regard to some (Member) States use of forms of sponsorship and/or invitations (to be validated by national authorities) and motivation of refusal of a Visa and the right of appeal of such negative decisions. The latter provisions become mandatory from 5th April 2011 but your (Member) State may have already anticipated implementation.

According to Art. 16 of the Law for the foreigners in the republic of Bulgaria, which was refused entry, border control authorities served a single form modeled on the European Union, which reflects the reasons for his avoidance of the country. The model form is approved by the Ordinance on procedures for issuing visas and identification of visa, as the form states that the decision may be appealed under the Administrative Procedure Code of the Republic of Bulgaria.

The ordinance is approved and forms call for business and private visit, which was notified to the European Commission.

2.4 Recent changes to Visa Policy and Legislation relating to national visas

What, if any, other recent changes have occurred to your Member State’s visa policy and/or legislation relating to national visas?

In December 2009 were exempt from visa for citizens of the former Yugoslav Republic of Macedonia, Serbia and Montenegro. In December 2010 meters Albania and Bosnia and Herzegovina passed from “negative” to “positive” list. This exemption from the visa requirement facilitates travel for tourists, students, businessmen, intensified cultural and scientific exchanges and improves the investment environment.

3. PRACTICAL IMPLEMENTATION AND ORGANISATION

This Section shall cover the practical implementation and organisation of visa policy and legislation during the three main stages of the national visa procedure (including Type D visas). This section by no means wishes to examine the immigration conditions of your (Member) State, but rather identify the key elements examined during the stages of the visa process, without describing, for example, how these are examined.

For Ireland and the United Kingdom, this Section shall cover the practical implementation and organisation of visa policy and legislation during the three main stages of the visa procedure for all types of visas (short/medium/long term). Depending on the national practices relating to short-stay visas, Bulgaria, Romania, Cyprus and Norway might describe the three main stages of the visa procedure for all types of visas, if relevant.

I. AIRPORT TRANSIT VISA (TYPE”A” VISA)

An airport transit visa is issued to a foreign holder of a regular foreign travel document or an equivalent document issued by a state as per Annex 1 of the Regulation on the Terms and Procedures for Issuing Visas and Determining the Visa Regime.

11 Regulation (EO) № 1244/2009 of the Council from 30 November 2009 for change the Regulation (EO) № 539/2001
The airport transit visa may be single, double or, as an exception – multiple, with a validity term of three months from the date of its issue.

The airport transit visa entitles the foreigner to cross or to stay in the international transit zone of the airport in the case of a transit landing or of changing flights for the purpose of continuing travel to another state.

A foreigner staying in a transit room of international flights is deemed not admitted to the territory of the Republic of Bulgaria and is not entitled to leave the transit room.

The following documents shall be submitted on applying for an airport transit visa:
- A regular foreign travel document;
- A photocopy of the pages the foreign travel document with the personal information and with the visas laid and/or a photocopy of the held permits for stay in the next states along the route as well as for the end destination state, if required.
- A recent colour photograph – passport size;
- Flight reservation.

Before issuing the visa a ticket and a copy thereof shall be presented.

II. SHORT-STAY VISA

Short-stay visa is issued to a foreigner to transit or intended residence in the territory of Bulgaria. Short-stay visa for transit has a duration of residence in the Republic of Bulgaria within two days unless otherwise provided for in international treaties, and issued to a foreigner who enters the Republic of Bulgaria and leave its territory on their way from one country to another country. The total duration of residence of such a visa can not exceed three months headline number of each 6 month period from the date of first entry into the territory of Bulgaria.

Short-stay visa for stay is scheduled to last no more than three months within any six-month period from date of first entry into the territory of Bulgaria. Short-stay visa may be issued for single, double or multiple entries. The validity of visa and length of authorized stay is determined based on the audit of the conditions of entry and risk assessment when considering the visa application. The period of validity of visa may not exceed five years.

The purpose of the trip may be:
1. Private visit in which shall be submitted:
   - Call return for a private visit of a foreigner in Bulgaria (mandatorily presented in the original)
2. Business travel, in which shall be submitted:
   - Call return for business travel abroad in Bulgaria (mandatorily presented in the original)
3. Cultural exchange in which shall be submitted:
   - Letter of invitation from the Ministry of Culture or a mayor of the municipality (mandatorily presented in the original)
4. Sport in which shall be submitted:
   - Letter of invitation from the Ministry of Youth and Sport or the relevant sports club (mandatorily presented in the original)
5. Treatment, which presents:
- A certificate from a hospital, issued by the respective order, stating a plan for treatment and recovery.

6. Tourism
6.1. For Non-(individual) tours, presents:
- Regular travel document (passport) and a copy of the passport pages with the personal data and valid visas or residence permits;
- Completed application form and 1 color photo (passport size, glued);
- Reservation from a Bulgarian tourist accommodation (hotel);
- Reservation or return ticket (when submitting the visa application can be submitted reservation, the issue of a visa - the ticket) or proof of possession of means to return.

6.2. When arranged (individual) tours, presents:
- Tourist voucher to tour the home;
- A list of tourists in the group

Documents organized tourists may be made only by accredited travel agents

### III. MULTIPLE SHORT-STAYS VISA

Multiple short-stay visa may be issued to a foreigner who:

1. maintain continuous business contacts with Bulgarian natural or legal persons carrying on business under the Commercial Law;
2. maintain long-term business contacts with Bulgarian legal entities operating under the Law for legal non-profit;
3. maintain continuous business contacts with representatives of foreign legal entities, registered under art. 24 of the Law on Investment Promotion;
4. a significant personal contribution to the development of bilateral relations with Bulgaria;
5. is a family member of a Bulgarian citizen under the Law on Foreigners in the Republic of Bulgaria;
6. family member is a citizen of the State - State of the Union, the European Economic Area or Swiss Confederation, long-term resident in the Republic of Bulgaria;
7. a family member of an alien residing long in Bulgaria? while retaining their place of residence abroad;
8. was the leader of the international road transport or a crew member for rail passengers and cargo.

### IV. LONG-STAY VISA – NATIONAL VISA (Type “D”)

Issued to a foreigner who wishes to establish long-term or permanently in the country one of the grounds listed in Art. 24 and 25 of the Foreigners in the Republic of Bulgaria. Long-stay visa valid for 6 months and to reside within 180 days shall be issued to a foreigner who wishes to establish long-term, long term or permanently in Bulgaria.

Long-stay visa valid for one year and with the right of residence to 360 days may be issued to foreigners who carry out research or student training programs for one academic year, students or interns, foreign, seconded by foreign employer to perform specific tasks related to control and coordinate the execution of a contract for travel services as well as foreigners,
seconded by a foreign employer for investment, certified by the Law on Investment Promotion.

Long-stay visa is entitled to multiple entry into the Republic of Bulgaria within the period of validity.

Long-stay visa is canceled upon issuance of a residence permit from the authorities for administrative control of foreigners.

Foreigners residing in Bulgaria:

1. **Short term** - up to 90 days from the date of entry into the country, the period may be extended once by the administrative control of foreigners on humanitarian reasons;

2. **Long term** - with permitted term of one year - Permission for this residence can receive the foreigners who: willing to work under an employment relationship with the authorization of the Ministry of Labour and Social Policy.

To obtain a visa must submit: certified copy of work permit; engaged in trade in the country by the legal order as a result of this activity were detected at least 10 jobs for Bulgarian citizens, unless otherwise agreed in international treaties ratified, promulgated and entered into force for Bulgaria.

Upon initial entry is required to submit: certified copy of the judgment for registration in the Commercial Register; certified copy of tax registration; certified copy of Bulstat-registration; certified copy of the registration document and the NII paid insurance for 10 Bulgarian nationals working under an employment contract, if required by law.

For second and subsequent entry is required to submit: legal certificate of good standing in corporate affairs; certificate from the tax office at the headquarters of the person declared financial results and taxes paid; certificate of NII that he has no obligations to him.


4. **Permanent residence** - with permitted indefinite period

   Permanent Residence Permit - Foreigners can obtain:

   - of Bulgarian nationality - to obtain a visa must submit: Documents proving ground for settlement of permanent residence.

   - two years after the marriage with a Bulgarian citizen or permanent resident alien in the country - to obtain a visa must submit: A certificate of marriage.

   - minor children of a Bulgarian citizen or permanent resident alien in the country who are not married - to obtain a visa must submit: Birth certificate.

   - parents of Bulgarian citizens when they provide outstanding support in law and in cases of adoption or recognition - after three years of affiliation or adoption - to obtain a visa must submit: A declaration of consent of both parents.

   - resided legally without interruption throughout the country over the past 5 years, period of stay authorized by Art. 24, para. 1, item 3 does not count - to obtain a visa must submit: Document certifying that the applicant has resided at least five years without interruption in Bulgaria.

   - invested in the country over $ 500,000 in the law - to obtain a visa must submit: Proof that the country had invested over $ 500,000.

   - are not persons of Bulgarian origin born in the Republic of Bulgaria, have lost their Bulgarian citizenship by emigration agreements or on their own and want to settle permanently in the country - to obtain a visa must submit: Birth certificate; Document
from the Ministry of Justice that the person is not a Bulgarian citizen; A document from the municipal administration of the municipality in whose territory the person lived before losing his nationality, for registration of the population
- which until 27 December 1998 entered, resident or born in Bulgaria and whose parent has entered into marriage with a Bulgarian citizen - to obtain a visa must submit: A copy of pages of travel document attesting to the entry and residence in the Republic of Bulgaria, if he has any; If the person does not do so, the check in the MoI; The authorities of Migration Directorate - MoI required documentation for birth, marriage certificate of the parent or other document certifying the alien's stay in Bulgaria

The above mentioned persons should always have:
- Regular travel document;
- two sample application form;
- two color photograph - 3.5 / 4.5;
- Regular travel document (passport) and a copy of the passport pages with the personal data, valid visas or residence permits and stamps for the last entry in the country;
- Evidence provided accommodation for the duration of residence;
- Proof of guaranteed subsistence for the duration of residence;
- Mandatory insurance and insurance for the duration of residence.

Exceptions to general rules for long-stay. Residence permit in Bulgaria, without any requirements of the Law on Foreigners in Bulgaria can receive the foreigners who have contributed to the Republic of Bulgaria in the social and economic sphere, national security, science, technology, culture and sport. To obtain a visa must submit document on the merits in the field, issued by the Minister, except in cases of national security.

Bulgaria considers that a comprehensive approach and dialogue between countries of origin, transit and destination for all aspects of migration and integration policies for development, shared responsibility, the organization of legal migration and combating illegal migration. Bulgaria, which also now faced with increased migratory pressure, attaches great importance to the issue and is ready to actively contribute to finding concrete, effective and sustainable solutions through comprehensive and coordinated action between the parties. Our country is ready to participate in all forms of cooperation to build a unified, coherent migration policy. The Bulgarian side will work towards the declaration and action plan from Rabat to become real instruments of cooperation and active political and operational dialogue on migration and development.

Also, when discussing other measures to prevent irregular migration under Section 3.3 below, the information to be provided may cover both short-stay Schengen visas and national (Type D) visas - N/A for the Republic of Bulgaria.

3.1 General procedure followed in the Stages of the Visa Procedure
Please provide an overview of the general procedure followed during the three main stages of the visa (in particular Type D) issuing procedure:

a) Application Stage
Upon application for issuance of long-stay visa (type D), the applicant shall submit:
1. Documents and information under Art. 13, para. 1 and Art. 14;
2. Documents and copies of them, justifying the request for long-stay visa under the Aliens Act in Republic of Bulgaria and its Implementing Rules and possession of sufficient funds for subsistence and accommodation.

To obtain a permit for permanent residence persons should be provided with accommodation, mandatory health insurance and provide sufficient funds to maintain themselves without recourse to social assistance system, in an amount not less than the minimum monthly wage or minimum pension under the legislation Bulgaria for the period of residence. Upon initial application for a residence permit persons aged 18 years, with the exception of stateless persons and submit criminal records issued by the State whose nationality or the country of habitual residence.

(1) Exempt from the requirement to present proof of guaranteed subsistence, accommodation and transport:
1. Members of families or households of nationals of countries - EUROPEAN UNION States, the European Economic Area and the Swiss Confederation;
2. Family members residing legally in the Republic of Bulgaria to third countries family members apply for visas for family reunification - after presenting a written decision on family reunification by the Migration Directorate of the Ministry of Interior (MоI) or directors of the Sofia Directorate "Internal Affairs" / regional directorates of the Ministry of Interior (Sofia Police Directorate) sent by the "Consular Relations" to diplomatic and consular missions of the Republic of Bulgaria;
3. Persons applying for issuance of long-stay visa for family reunification in relation to refugee status or asylum in Bulgaria - the written decision by the State Agency for Refugees;
4. Foreigners - citizens of third countries which have been granted permission by the Employment Agency for the exercise of skilled employment for a Blue Card after notification from the Migration Directorate, sent through the "Consular Relations" to diplomatic and consular missions of the Republic of Bulgaria;
5. Holders of diplomatic and service passports.

(2) Exempt from the requirement to present an insurance policy:
1. Holders of diplomatic and service passports;
2. sailors who meet the criteria of the Convention No 108 of International labor organization when applying for a transit visa at the border;
3. persons who, considering their social or official status, it can be assumed that they are insured or to be able to absorb any costs arising from unforeseen circumstances;
4. members of families or households of nationals of countries - members of the European Union, the European Economic Area and Switzerland.

The application for a visa at the diplomatic and consular missions taken by a competent official or consular assistant, and border crossings - from border control authorities.

In cases where outbound between representation and an external service provider has a contract accepting applications for visas, they are accepted at the offices of the foreign service. Overseas representation defines working time as applicants for a visa can apply directly to the consulate.

b) Examination Stage
Procedure for applying for a visa consideration and making decision on granting or refusal of a visa. The application for a visa is submitted in compliance with Appendix 2 no earlier than 3 months before the planned trip, personally or through authorized representative, except for humanitarian reasons in cases under para.3. Consular officer shall fix the date and time for submission of the application by the applicant, as a rule meeting is arranged within 2 weeks from the date on which it was requested. In duly substantiated cases of urgency may be allowed the application to be made without prior appointment, or that take place immediately. Not applicable for prior appointment for members of the family of the European Union, European Economic Area or Switzerland. The application for a visa at the diplomatic and consular missions taken by a competent official or consular assistant, and border crossings - from border control authorities. Upon acceptance of an application for a visa in the cases. 24, para. 2 must be stamped as shown in Annex III from Regulation 810/2009 establishing a Community Code on Visas of the first free page in the regular travel document or another substitute document recording the adoption application. Where an application for a visa has been submitted to the employee an external service provider stamp shall be affixed by the consular officer after receiving the documents in the consulate.

Upon acceptance of an application for a visa authorizing officer following checks:
1. whether the application form is completed, signed and submitted within the period specified in Art. 12, para. 1;
2. whether the applicant has submitted a valid travel document and a picture that meets the requirements of this Ordinance;
3. whether the applicant is collected biometric data, where applicable;
4. whether the visa fee is paid.

When the competent official finds that the requirements of para. 1 have been fulfilled, the application is admissible and be registered. Competent officer accepted the application for a visa application form is signed on the day of its adoption register it with the serial number in the NVIS and the diplomatic and consular missions and border crossing points where the system does not function, is identified by serial number from the Diary of applications for visas for the current calendar year. The competent officer shall enter into NVIS data on the candidate, the photograph and his fingerprints, and links to other visa applications by the same applicant.

Minister of Foreign Affairs determines by order the diplomatic and consular representations in which consular officials can take independent decisions on the issue of short-stay visas valid for 1 year. Defined in Art. 27, para. 2 consular officials before deciding on an application for a visa, check the declared data and documents submitted and must send the application to the National Visa Center, automated verification in national data collections, the Schengen Information System and Visa Information System of the European Union and consultation with other Member State applying in full the acquis of the European Union Schengen, if such is requested in accordance with Art. 22 of the Visa Code.

In cases where consular officials did not take its own decision after taking an application and register for a visa, they sent to the Directorate "Consular Relations" information declared by the foreigner data, circumstances and facts and documents presented and the results of checks carried out in the form of communication "visa application". The National Visa Center, automated check in national data collections, the Schengen Information System and Visa Information System of the European Union and held consultations with another Member State.
applying in full the acquis of the European Union Schengen, if such is requested under Art. 22 of the Visa Code.

Decision on applications for visa type "A" or "C" shall be taken within 15 calendar days from the date of application, which is admissible in accordance with Art. 24. In individual cases the period under para. 1 can be extended to 30 calendar days when further scrutiny is needed of the application or in the case of representation, when done in consultation with the authorities of the represented Member State. Exceptionally, in specific cases where additional documents are required, the period may be extended up to 60 days.

Issuing a long-stay visa of art. 15, para. 1 of the Law for foreigners in Bulgaria are sent through the "Consular Relations" in the administrative control of foreigners in Bulgaria.

Consular officers shall issue or deny a visa for dolgorukovosprebivavane after permission of the Directorate "Consular Relations" on the basis of a joint reasoned opinion of the administrative control of foreigners in the Republic of Bulgaria State Agency "National Security", except in the cases. 35, para. 2. Coordination is done by order and in terms specified in the instruction of the Minister navanshnite Affairs, the Minister of Interior and Chairman of State Agency "National Security". Decision on application for a visa long stay of third country nationals into under para. 2 within 35 working days from the date of application. The collection of biometric data is entered in overseas offices which are equipped for this purpose, and after authorization by the Director of Directorate "Consular Relations".

When applying for a visa overseas missions under par. 1 collect biometric data including digital photograph and ten fingerprints of the applicant for a visa. For this purpose, the applicant for a visa at the first appearance must appear in person at the consulate. Biometrics can not be taken and copied to the National Visa Information System (NVIS), if passed less than 59 months previous appearance. Doubts concerning the identity of the applicant consular officer may require fingerprinting and before the expiry of 59 months. The photo must meet the technical requirements in accordance with international standards set out in Document 9303 of the International Civil Aviation Organization (ICAO). Fingerprints shall be taken digitally flat fingers in accordance with ICAO standards and Commission Decision 2006/648/EC of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System . Do not collect fingerprints from persons included in the categories of art. 9a para. 5 of the Law on Foreigners in Bulgaria. In these cases, the exemption from collecting fingerprints is indicated in NVIS. In the case of temporary inability to fingerprinting of 10 fingers consular officials may require further clarification on the reasons. Consular officers are required to respect the dignity of the applicants in case of difficulties in the collection of biometric data.

Collection and entry into NVIS only be performed by consular officers who are specifically authorized by an order of the outbound representation, and after signing the declaration by the employee that he is familiar with the purposes of collecting biometrics in accordance with Art. 9a para. 4 of the Law on Foreigners in Bulgaria and is committed to protecting the privacy of an applicant for a visa.

Collection of biometric data from an external service provider may be made only if specifically commissioned from overseas representation in contract, subject to the requirement for encrypted data transmission and under the supervision of the consulate. In these cases the consulate in question has the right to verify the readings from the external fingerprints. The
introduction of biometric data in NVIS only be performed by consular officials have been granted access to it in accordance with Art. 35, para. 2.

Consular offices in which biometric data are obliged to provide information on appropriately. Biometric data collected from the applicant for a visa are stored in the NVIS for a period not less than five years.

The application for a visa, the documents attached thereto, the documented results of discussions with the applicant and checks shall be kept for three years - in the case of visa issued and five years - in the case of visa refusal from the date of filing. A copy of the application for issuance of long-stay visa and attached documents are stored in a register in the diplomatic and consular missions and one copy shall be sent through Directorate "Consular Relations" to the administrative control of foreigners by the Ministry of Interior . The application and attached copies of documents are an integral part of the archives of diplomatic or consular mission or the border passport control.

Consular officers shall issue or deny a long-stay visa with the authorization of the "Consular Relations" on the basis of a joint reasoned opinion of the administrative control of foreigners in the Republic of Bulgaria State Agency "National Security", except in the cases. 35, para. 2. Coordination is done by order and in terms specified in the instruction of the Minister of Foreign Affairs, Minister of Interior and Chairman of State Agency "National Security". Once accepted and registered the application for a visa long stay under Article 15, paragraph 1 of FRBA, consular officials sent to the Directorate "Consular Relations", Foreign Ministry information declared by the alien data and facts and circumstances presented documents and the results of checks carried out in the form of communication "visa application". Through the "Consular Relations", Foreign Affairs visa is sent to the administrative control of foreigners in Bulgaria.

Consular officers shall grant or refuse a visa long stay with the authorization of the "Consular Relations" based on a joint statement of the administrative control of foreigners in the Republic of Bulgaria State Agency "National Security".

c) Entry, Stay and Exit

Considering refusals to issue a Bulgarian visa, their number increases for nationals of counties with higher immigration risk (some of the countries on the list in Annex 1 of Council Regulation (EC) No. 539/2001) – Algeria, Afghanistan, Iraq, Syria, with refusals to nationals of these counties varying between 30 and 40% of submitted applications.

No visa is issued to a foreigner, where one of the grounds listed in art. 10 of the Law for foreigners in the Republic of Bulgaria. No visa is issued to a family member of a European Union citizen, a Member of the European Economic Area and Swiss, if there are some grounds under art. 22 of the Law for entry, stay and departure of the Republic of Bulgaria to European Union citizens and their family members. A refusal to be drawn up in duplicate form the model in Annex No. 7 which is signed by the head of the diplomatic or consular mission or by an authorized official. The form entered the grounds, stating the grounds for refusal, without recorded reasons affecting the interests of national security, and confirming the date of service (sending) the person concerned. The first copy shall be delivered or sent to the applicant and the second applies to the application for a visa and supporting documents.
Visas issued by diplomatic and consular missions of the Republic of Bulgaria, and those for long stay issued after consultation with the administrative control of foreigners. Exceptionally, when required by the state interest or exceptional circumstances, the authorities zagranichen control of border crossings may issue single transit visas with a term up to two days, unless otherwise provided international contract and short-stay a period of 15 days. For visas issued immediately notify the State Agency “National Security”. Possession of a visa can not badeedinstveno basis for entry and residence in Bulgaria.

Border control authorities can not allow entry into the Republic of Bulgaria of a foreigner holding a visa in the cases. 10, para. 1 or in fulfillment of the requirements of Art. 19. To a foreigner, which was refused entry, border control authorities served a single form modeled on the European Union, which reflects the reasons for his avoidance of the country. The model form is approved by the Council of Ministers aktna. (Border control authorities and the administrative control of foreigners may cancel a visa issued to reduce the number of authorized entries and period of stay for non-compliance with the requirements of this Act and under specified with the Council of Ministers. In these cases, immediately notify the Ministry of Foreign Affairs.

Ministry of Foreign Affairs and diplomatic and consular representations may cancel a visa issued to reduce the number of authorized entries or duration of residence in fulfillment of the requirements of this Act and procedures established by the Council of Ministers.

Residence Permits - stay is short - 90 days from the date of entry into the country, the period may be extended once by the administrative control of foreigners on humanitarian reasons, long an authorized period of one year long - with an initial authorized period of 5 years possibility of renewal after application and permanent - with permitted indefinite period.

All foreign nationals, EU and non-EU, must apply for a residence permit if they wish to stay in Bulgaria for a period longer than 90 days.

There are two types of residence permit issued to foreigners moving to Bulgaria:

- **Long-Term Residence Permit**: Issued for one year to non-EU citizens and for five years to EU citizens

- **Permanent Residence Permit**: Issued for an indefinite period of time by the National Migration Directorate and its local branches. Applications for Permanent Residence can only be submitted in Bulgaria

Before applying for a residency permit, it is necessary to open a bank account and get a letter from the bank stating that the applicant has an active bank account. There is a small fee for this letter.

**Long-Term Resident Permit (long stay visa)**

**EU citizens and nationals of Iceland, Liechtenstein, Norway and Switzerland:**

Applications for a long-term residence permit must be made within 90 days of arrival in Bulgaria at the National Migration Directorate (Дирекция Миграция) in Sofia or the immigration department of the local Police station of the place of residence.

The following documents are required:
• Passport (if the passport expires before the end of the five year period, the residence permit will only be valid until that date)

• Property title deeds or rental contract as proof of address

• Company registration document or work contract (if applicable)

• Proof of health insurance from the former EU country of residence translated into Bulgarian

• Proof of financial means if without employment

• Application form

The application form is in Bulgarian and some English but must be completed in Bulgarian. The following information is required on the form:

• Parents' full names and dates of birth if they are still alive

• Children's full names and dates of birth

• Full names

• Nationality (and any other nationality also held)

• Date and place of birth

• Number of the person's national identification document (passport)

• Date of issue

• Date of expiry

• Conditions for residence in Bulgaria (for example, home owner, employment, long-term visa, type D)

A residency tax must be paid at the bank in the immigration office.

The long term residence certificate is issued on the same day. If there are any documents missing, an applicant has seven days in which to find and present documents.

**Non-EU family members of EU citizens** must apply for a residence permit within 90 days of arrival in Bulgaria. They will also need to provide proof that they are a family member of a European Union citizen. A temporary residence certificate is issued and the long term residence card is issued within three months.

**Non-EU citizens:**

Applications for a long-stay visa must be submitted to Bulgaria's consular representatives abroad.

A visa is not required for citizens of countries that have concluded a treaty on visa-free entry clearance. Within 90 days of arrival, an application for long-term residence must be
submitted to the National Migration Directorate or the local Police Department of the place of residence.

A long term residence permit may be issued to non-EU citizens for one of the following reasons:

- Foreigners with a work permit
- Foreigners involved in commercial activities
- Foreigners married to a Bulgarian citizen
- To company representatives of a foreign commercial company registered with the Bulgarian Chamber of Commerce and Industry
- To foreign investors who carry out activities under the Foreign Investment Act
- To pensioners who receive a pension with sufficient funds to cover their living costs in Bulgaria
- To foreigners in Bulgaria for medical treatment
- To family members of a foreigner with a D-type visa
- To students in full-time education in licenced establishments
- Citizens of Bulgarian descents

The following documents will be required when applying for a long term residence permit:

- Travel document (passport) and a photocopy of the pages of the travel document containing the personal data, the valid visas or residence permits held, and the last Bulgarian entry stamp
- Proof of provision of accommodation for the duration of residence in Bulgaria
- Proof of possession of financial means to cover the expenses for the duration of residence in Bulgaria (it may be necessary for the applicant to prove with bank statements on a monthly basis that they have the equivalent of the Bulgarian minimum wage in their bank account)
- Compulsory commercial and social insurances for the duration of residence in Bulgaria
- Application form

The application form is in Bulgarian and some English but **must** be filled in in Bulgarian. The following information is required on the form:

- Parents' full names and dates of birth if they are still alive
- Children's full names and dates of birth
- Full names
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- Nationality (and any other nationality also held)
- Date and place of birth
- Number of the person's national identification document (passport)
- Date of issue
- Date of expiry
- Conditions for residence in Bulgaria (for example, home owner, employment, long-term visa, type D)

A residency tax must be paid at the bank in the immigration office. A temporary residence certificate is issued and the long term residence card is issued within three months.

**Permanent residence permit**

Permanent residence permits are issued by the **Bulgarian Ministry of Interior**.

After five years uninterrupted residency in Bulgaria, an application can be made for permanent residence. This entitles the person to the same rights as a Bulgarian citizen, except the right to vote.

Foreign nationals who have been married to a Bulgarian citizen or to a foreigner with permanent residence in Bulgaria for five years may also apply for permanent residence.

Applications for a Permanent Residence Permit must be done not later than 60 days prior to the expiry of the duration of the Long-Term Residence Permit. The permit is issued within two months after submission of the documents.

**Change of Address** - Any change of address needs to be reported within five days to the local.

In October 2010, the top five regions in terms of the number of third-country nationals with long-term stay permits include:

- Sofia city – 4,463 people;
- Varna – 2,012 people;
- Plovdiv – 1,646 people;
- Burgas – 1,072 people;
- Blagoevgrad – 782 people.

The Republic of Bulgaria will continue to work consistently for the development of the common European migration policy, which complements the national policies of the Member States, and to prepare for elaboration of the Immigration Code as set out in the Stockholm
Program. In that light, Bulgaria supports the discussion and adoption of the special directives laid down in the December 2005 Legal Migration Plan which regulates the entry and stay of third-country nationals under the conditions of intra corporate transfer and as seasonal workers.

3.2 Visa issuance for the purpose of legal immigration – specific procedure followed in the Stages of the Visa Procedure

The procedure is described in 3.1

3.2.1 National Visa Practices for admission of third-country nationals

The specific elements listed under the stages below will apply and will vary in the Republic of Bulgaria:

(i) Application: requirements needed for employment/business (contract, proof of investment, employer liability, qualifications), requirements needed for family reunion (wedding certificate, proof of family ties), requirements for education (prior qualifications, registration with institute and payment of fees);

(ii) Examination: Verification of measures undertaken at application stage, undertaking of contact with third parties (e.g. sponsor, spouse, educational institutes etc.);

(iii) Entry and stay: Withdrawals (by the applicant or the authority), Requests for extension, requests for transformation of visa.

Scenario 2: The Visa is a prerequisite for obtaining a residence permit - residence permit application upon arrival in (Member) State

A number of key assumptions have been identified to establish the existence of this scenario in your (Member) State:

- Visa conditions are checked in country of origin;
- Visa is a condition for admission to the (Member) State;
- Admission/residence conditions are checked upon arrival (part of the immigration process);
- Visa is medium to long term (> 3 months).

Under Bulgarian law the right to apply for long-term, long term or permanent residence is justified by the presence of long-stay visa, at which evidence concerning the individual's right to apply for permanent residence in Bulgaria, then to the bodies of administrative control foreigners. In this case, Bulgaria is applicable scenario 2 respectively as long-stay visa shall be filed only in the diplomatic or consular representation in the permanent residence of the individual. Long-stay visa shall be revoked upon issuance of a residence permit from the authorities for administrative control of foreigners application for a long stay visa shall be filed only in the diplomatic and consular representations of permanent residence of the applicant or those representations which are accredited to the State the constant mestozhiveenena kandidata. Kandidatite visa under par. 4 residing lawfully in a third country other than the
country of permanent residence, may exceptionally apply in that country after justifying the reasons for it and if they return to their country of residence is guaranteed.

3.2.2 Challenges and success factors for facilitating legal immigration

With respect to facilitating legal immigration, have any specific challenges/success factors been identified through research, evaluation, monitoring, formal/political statements in your (Member) State in relation to:

a) Visa facilitation agreements and other bilateral/multilateral agreements
b) Visa representation;
c) Other challenges/success factors in relation to visa issuing (e.g. costs, conditions).

3.3 Visa procedures for the purpose of preventing irregular migration

According to the Commission there are six areas identified for possible actions preventing and fighting illegal immigration:

1. Visa policy
2. Infrastructure for information exchange, co-operation and co-ordination
3. Border management
4. Police co-operation
5. Aliens law and criminal law
6. Return and readmission policy

The visa policy is in the first place so the conclusion that can be made is that this area is from significant importance for preventing irregular migration.

Irregular migration is one of the fastest growing forms of migration worldwide, far exceeding regular movements. It is a phenomenon of major concern, especially for recipient countries, as it poses economic, political, social and internal security problems, as well as threatening the migrants themselves. Irregular migration is likely to increase in the future, given the high incidence of poverty and unemployment in developing countries and demographic aging and other economic changes in developed countries. Many efforts have been exerted to confront irregular migration, though they have had little success. At present, there are more than 500,000 —irregular migrants in the European Union.

Pre-frontier measures

- Visa requirements
- Pre-boarding documentation checks in countries of origin and transit
- Information campaigns
- Carrier sanctions
• Interdiction and interception
• Regional processing
• Punitive measures against human smugglers

**Measures relating to border management**

• Strengthened physical borders (fences, electronic surveillance)
• Strengthened border controls and inspections
• Documentation with enhanced security features
• Biometric data
• Training border guards

**Post-entry measures**

• Detention
• Workplace inspections
• Internal ID inspections
• Accelerated procedures
• Employer sanctions
• Restrictions on the right to work, access to housing, legal advice and social welfare

Benefits.

Border and visa control are necessary steps toward reducing irregular migration, but are not entirely effective. High numbers of migrants continue to enter states that have fully fledged border protection systems and effective consulates.

In order to manage irregular migration promptly, several issues should be considered at the outset that irregular migration cannot be countered unless means of regular migration are established at the same time. Creating a Blue Card, like the US green card, to facilitate the free movement of brains within Europe and transfer of personnel within TNCs (this could provide the EU with the highly skilled workers and at the same time it would not exacerbate the brain drain from poor countries) is a good alternative for legal labour movements. This issue is of great importance for the EU given high competition from US and Canada in attracting the highly skilled. This is reflected in the fact that the majority of immigrants to the EU are unskilled.

Border Checkpoint – illegal passing through border checkpoints (avoiding border checks and hiding persons). In 2010, total 112 third-country nationals were detained while trying to pass illegally through border checkpoints (97 at entry and 15 at exit). The values of this indicator are relatively stable and permanent over the period 2007 – 2010. The highest number of attempts was detected at entry at the Bulgarian-Turkish border: 96 people, mainly hidden in vehicles (Turkish nationals – 57, Iraq – 19, Palestine – 5, Iran – 5, Afghanistan – 5, other - 5). Significantly lower is the number of the attempts detected at exit via the border checkpoint at the Bulgarian-Turkish border – 5 people were detained in 2010 (3 Turkish nationals, 1 of Iran and 1 of Algeria). Use of false documents or third person’s documents given to use (use of false documents, visas, residence permits, etc., or such given for use by somebody else, to pass
through a border checkpoint): In 2010, 123 third-country nationals were detained while trying to cross an external border checkpoint with false identity documents or third person’s identity documents given to use – 80 at entry and 43 at exit. 76 persons were 15 detained at the Bulgarian-Turkish border (75 at entry and 1 at exit, 32 – at the air border (all at exit), 10 at the Bulgarian-Serbian border 1 at entry and 9 at exit) and 5 at the Bulgarian-Macedonian border (4 at entry and 1 at exit). By way of comparison, 110 persons were detained in 2009, the highest number – 67, at the Bulgarian-Turkish border, 36 at the air border, 6 at the border with Serbia and 1 at the border with Macedonia.

Total 3376 administrative compulsory measures under the Law on Foreigners in the Republic of Bulgaria were imposed in 2010:

- Prohibition to leave the country – 338;
- Prohibition to enter the country – 601;
- Revoked right to stay – 540,
- Expulsion -100,
- Compulsory taking to the national border – 1606.

The analysis of statistical data shows an increase in the number of imposed administrative enforcement measures by 15% compared to 2009.

There is a need for expanding qualification involving training of consular officials as well the qualification of MFA’s central administration in the implementation of the common visa policy and EU legislation. Priority is given to the improvement of the qualification of consular officers. Training course, seminars and preparation of the employees who will work abroad are carried out in a special training cabinet of the Visa Centre of the Consular Relations Directorate and Diplomatic Institute at the Ministry of Foreign Affairs. The training period is 30 days.

Training seminars are planned to be carried out under EBF including necessary training materials (CD-ROMs - useful data about the Schengen acquis, provisions for issuing Schengen visas, instructions for operating with the Bulgarian Visa Information System, useful information about VISION, and the Schengen Information System, Textbooks and tests, Questionnaires, etc.)

Internships to staff in consular offices and central offices of other EU countries and organization of annually training courses in consular offices on the detection of false documents must be done for getting better experience in the framework of consular cooperation.

4. CO-OPERATION WITH THIRD COUNTRIES: CASE STUDIES

4.1 The facilitation of legal migration and/or prevention of irregular migration: Case Study I

4.1.1 Rationale for Case Study Selection

The first choice of the Republic of Bulgaria for the case study is Russian Federation.
So far, the EU has concluded visa facilitation agreements with nine non-EU countries. Based on these agreements, both the EU and non-EU citizens benefit from facilitated procedures for issuing visas. There is an Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas signed on 1st of June 2007.

Visa facilitation agreements are linked to readmission agreements. Readmission agreements establish the procedures for the return to the EU or to the partner non-EU country of persons (own and third country nationals or stateless persons) in irregular situation.

4.1.2 Historical overview of relations with third country

Russia takes up a significant part in the Bulgarian history, politics and diplomacy. Its role in the Balkan, respectively Bulgarian processes are often disputed, politicized and often denied.

The evaluation parameter of the bilateral relations cannot be taken out of the framework of the historically-philosophical reflection of the past, which predetermines the results of almost every analysis if the last decade of XX century. The absence of a political censorship, as well as the emotional bias of a large number of authors, outline the subjective parameters of the researches.

This anniversary of the establishment of the Bulgarian-Russian diplomatic relations is a good occasion to actualize issues from the past and to outline the perspectives before two of the most active participants in the regional and global events, which have common past, but are still in the process of forming their future.

During the last decade discussions about Bulgarian-Russian relations in the context of world processes are most often concentrated in two questions, which are part of the political-diplomatic problems. The first one is related to the term “occupation”, used to describe different periods of the Bulgarian-Russian history. The second one, considerably more important and comprehensive is oriented towards relations of the type – small country – big country. The study of these two problems through the prism of the bilateral contacts and their results determines their specifics and increases the objectivity of the analysis.

The Temporary Russian Rule is part of the preliminary contract from San Stefano in 1878, which with a change in the time (from two years it is changed to nine months) is confirmed by the European “concert” states in June same year in Berlin, The Soviet occupation is a result of the arrangement between the three big countries (USSR, The United Kingdom, The USA) in the period of the Second World War, whose concrete expression is the Peace Agreement with Bulgaria, signed on October, 28 1944. The control over the processes in the Bulgarian state is
exercised by the Union control Committee, which has representatives of London and Washington. And if the occupation framework of the Bulgarian territories matches the juridical criteria of the international public law, the differences in the historical periods mentioned are bound by the specifics of the era and the participants. The results of the Russian and Soviet occupation are significant for Bulgaria, and this determines the place of the state in the European South-East in XIX and XX centuries.

For Bulgaria the period of Temporary Russian Rule sets the foundations of the Bulgarian state system. The establishment of the local and central authority institutions, as well as the passing of the Turnovska constitution, outline the state-law parameters of the de jure tributary, but de facto sovereign Bulgarian Principality. This process of evolution starts from the Russian occupation period, in which the restrictive clauses of the Berlin’s decisions are gradually violated. A proof for this is the progressive for its time Bulgarian constitution, in which one can clearly see the striving for independence from the suzerain – the Ottoman Empire. This document, as well as the number of self-dependent actions of the prince and the Bulgarian governments in the next decades in economic, political and military aspect, underlines the formal character of the dependence.

During the 125-years-old existence of the contemporary Bulgarian state, relations with Russia cannot be put into the framework of the traditionally oriented towards unilateral dependence relations of the type “small state – big state”. In the context of the politically diplomatic practice of the bilateral contacts there are numerous proofs for breaking the imposed stereotypes.

4.1.3 Existence of agreements with third country

Community Based Agreement between EU and Russian Federation on simplified visa regime introduced several incentives for Russian citizens. Visas for package tourists from Russia shall be issued within ten calendar days after the receipt at the consular office or the local visa centre of the applications and the documents required for issuing a visa (the current term being 10 to 20 days).

Free visas will be issued to persons participating in international youth and sports events, cultural and artistic activities; to pupils, students and accompanying teachers who travel for the purpose of study or educational qualification; to scholars travelling for the purpose of research; to representatives of non-profit organizations under the age of 25 participating in seminars, conferences, sports, cultural or educational events; to participants in official exchange programmes, organised by twinned cities, etc.

Multiple visas with validity term of one year shall be issued to persons who have received at least one visa in the preceding year, have used it legally, comply with the requirements for reliability and have proven the need for frequent or regular journeys. Owners of real estate on Bulgaria’s territory and the members of their families, for instance, belong to this category.

Multiple visas with validity term of at least two years and not more than five years shall be issued to persons falling within the above category, provided they have used in the preceding two years a multiple one-year visa in a legal manner and provided the reasons for requesting a multiple visa have not become defunct.
The visa centres and the agreement on outsourcing the receipt of visa applications on the territory of the Russian Federation with the company VFS Services LLC shall be used as the main mechanism for receiving and processing visa applications, returning the ready documents and any other supporting activities.

Besides, additional measures will be undertaken with a view to improving the conditions for issuing visas at the Bulgarian consular offices on the territory of the Russian Federation in the period until 15 September 2010. Among them is the possibility that the Moscow Embassy visa office would accept visa documents from citizens who have registered in lists through a preliminary registration system. Documents for visas type “D” shall be submitted there without preliminary registration.

The consular office of the Moscow Embassy will accept in the period from 1 July to 15 September 2010 up to 500 visa applications per day from accredited travel agencies. The submission of information shall take place only through the “E-visa” system on the web site of the Ministry of Foreign Affairs at https://www.bgvisa.eu/ one day before submitting the passports. In case the access to the web site is interrupted the information from the visa form will be accepted on a portable external carrier.

With issuing this order the MFA shall contribute to satisfying the growing interest of tourists and travel agencies towards Bulgarian tourist products. It should be noted that 4554 visas to Russian citizens were issued on 31 May 2010 alone which is an unprecedented number for the office per a single day since the visa regime for citizens of the RF was introduced. The total increase of issued visas for the period 1 January 2010 – 1 June 2010 was 36% compared to the same period of the previous year and the tendency for the increase of the issued visas with the advancement of the tourist season is preserved.

4.1.4 Findings of Case Study I

International migration in Russia is composed of the inflow of immigrants from other countries of the former Soviet Union and an outflow of emigrants into economically more developed countries, such as Israel, the USA, Germany and other EU-member states. Russian academic and political discourses have adopted the term ethnic repatriation to refer to the inflow. Irregular labour migration evolved as a central problem during the ten years from 1996 to 2006. The majority of irregular migrants in Russia are labour migrants from the Commonwealth of Independent States (CIS), who came legally to Russia under the visa-free regime, but stayed and worked illegally. Internal migration is very low and has not exceeded 3% of the population during the 2000s. The vector of internal migration has changed in the post-Soviet time. Traditionally the main direction was towards the centre and eastward, but in the second half of the 1980s migration towards the periphery, the west and south increased.

4.2 The facilitation of legal migration and/or prevention of irregular migration: Case Study II

4.2.1 Rationale for Case Study Selection

The second choice of the Republic of Bulgaria for the case study is Turkey.
Turkey does not only belong to the Turks; neologizing a country's name after some Western concepts of nation-building that took place when there was a powerful centrality in form of monarchy as the agents of god on the earth and weak inter-group mobility when modern time's facilities for communication were absent will make the sick man's illness just chronic, if not fatal. The other problem is the secular essence of the Republic. The truth is that Turkey has a believing Muslim population that ironically became more devoted Muslims thanks to the rapid urbanization of the country. When the Republic was founded, the variety of Islam was more folklore and rural; now, in the post-modern era of the country, the religion is more than just devotion and piety but is a powerful institution utilizing modern society's instruments to consolidate its position.

Among sub-regional organizations promote movement of people there is an International Organization on Migration, that promotes movement of people in the sub-region, but there is no such an organization that operates in the level of the whole Black Sea sub-region.

The cooperation on migration issues should be deepened by signing agreements on the migration among the countries of the sub-region.

The sphere of the biggest interest in Black sea region concerning migration issues for Armenia is connected with opportunities for the citizens of Armenia for free movement in the sub-region.

The visa regime can be basically divided into two parts, which are intertwined. The first is a bilateral problem (Turkey-Bulgaria) and the other is related to the application of Schengen acquis. The main requirement of the Turkish government and business is at least a privileged circle of Turkish citizens to be subjected to a relieved visa regime. This circle however, in Turkey, is very broad and covers not only representatives of various levels of the public administration but their families too. Bulgaria's demand is this list to be shortened, which is not met with understanding by the Turkish side.

The problem at the European level is that Turkey has a visa-free regime with countries in the Middle East, considered not very friendly by the European Union and the US, like Syria and Iran. The problem gets additionally complicated by EU's wish to sign a readmission agreement with Turkey, a key element to ensure Schengen security and, quite important too, by the way, for Bulgaria and its ambition for membership in the Schengen area. The readmission rule means that illegal migrants that enter Schengen from Turkey must be readmitted by Turkey again. Ankara puts as a precondition to sign the agreement the getting of visa liberalisation. Something which the EU is not prepared to agree with at this stage, in spite of the strong pressure provoked by the events in North Africa and the Middle East.
4.2.2 Historical overview of relations with third country

The Turks (Bulgarian: турци, Turtsi) in Bulgaria number 588,318 people and constitute 8.8% of those who voluntarily declared their ethnic group and 8.0% of the total population according to the 2011 Bulgarian census. 605,802 persons or 9.1% of the population pointed Turkish language as their mother tongue. They are also the largest minority group in the country.

Turkey and Bulgaria have deep rooted historical relations. With the transition of Bulgaria into democracy and free market economy, bilateral relations have made comprehensive progress in every field and contacts at all levels have increased. Framework required for improving bilateral economic and commercial relations has been completed.

Turkey has supported integration of Bulgaria with the Euro-Atlantic structures from the beginning. In this context, Bulgaria acceded to NATO in March 2004. Turkey has also welcome membership of Bulgaria in the EU on 1 January 2007.

At present, Turkey and Bulgaria are two neighboring and allied countries which have improved their relations in all fields, played active role in regional cooperation processes and have similar foreign policy orientations.

In 2010, Turkey was among the first six trading partners of Bulgaria. The bilateral trade volume between Turkey and Bulgaria that was 1.8 billion Euros in 2009 recorded a gradual increase and reached 2.4 billion Euros in 2010, where the effects of the global economic crisis have been reduced.

In Turkey’s export to Bulgaria, iron and steel, motor vehicles, electric and non-electric machinery and equipment, iron and steel goods, plastics and plastic goods are ahead. The main products of great importance in Turkey's imports from Bulgaria are respectively, iron and steel, copper and copper goods, mineral fuels and mineral oils.

4.2.3 Existence of agreements with third country

Turkey insists that the implementation of its readmission agreement with the EU be bound to the visa liberalization process for its citizens. Ankara respects the right of each country to protect its borders, but gives priority to the cross-border cooperation.

In Turkey, are aware that the EU is under increasing pressure from illegal migration. We have been under similar pressure ourselves, but Turkey is neither a source country any more, nor a target country.

However, determined to sustain its efforts to help tackle illegal migration. Turkey working both to prevent illegal entry of migrants from our territory into EU territory and also to try to limit the number of illegal entries in our own territory.

According to some sources Turkey would like to enhance the bilateral cooperation with individual EU countries and also with the European Commission. The country have concluded a readmission agreement with the EC and made it quite clear on a number of occasions that Turkey see its signature and implementation as something that should be run parallel to the visa
liberalization process for the Turks citizens. Turkey would like the EC to be authorized to begin such a process.

Turkey also would like to enhance its bilateral cooperation with Greece and Bulgaria. To date Bulgaria has proposed three precise ideas to the Turkey authorities. The first one is a proposal for joint border patrols. This proposal was taken up between Bulgaria and Turkey in Ankara at the end of April. It was decided that while Turkey support this idea in principle, they would be proposing our own drafts on the modalities of those patrols.

Secondly, Bulgaria has proposed the establishment of a joint coordination centre between Bulgaria and Turkey, somewhere along our border. Turks are looking into this proposal, too, in a positive manner. Turkey have said yes in principle and looking into how this could be brought about. Bulgaria has subsequently also suggested that this bilateral coordination centre might be turned into a trilateral centre with the participation of Greece, too.

And thirdly, Bulgaria has proposed that it be allowed to carry out helicopter flights in the border area adjacent to Turkey. Under the 1967 agreement this cannot be done within 5 km from the joint border. We will consider amending the 1967 agreement so that these flights are possible. In the meantime we have suggested that these helicopter overflights should be facilitated through annual diplomatic clearance numbers and as short as possible periods of prior notice. Because all agreements to be amended have to be ratified by parliament and that takes time.

Turks are keen to deepen our cooperation with individual EU countries. They have made progress with its own plans to establish an integrated border security system. As with everything else, the establishment of that system will require parliamentary approval. When that clears, they will be able to echo the border management structures that exist in EU countries. Turkey is also contributing to the so-called Budapest process of European countries’ interior ministers. They are also running a regional working group. From the time being in Turkey we are constructing new detention centres to try to also deal with the flow of illegal migration in Turkey and are mindful of the fact that they have to deal with migrants in a manner that is consistent with human dignity.

4.2.4 Findings of Case Study II

The European Community (EC), which forms a pillar of the European Union (EU), contains provisions about the securities and laws from all kind of spheres in the Treaty Establishing the European Community. So after Bulgaria became full members of the EU as of 1 January 2007 with the fifth (or the sixth, as some may consider it) enlargement of the EU, Turks who live in Bulgaria or who own Bulgarian citizenship although living outside Bulgaria may be concerned to benefit the rights and to meet the obligations, both deriving from the EU Law, and thus the Community Law.
5. EFFECTS OF EU POLICY AND LEGISLATION

a) The Commission has put forward a proposal for improving the institutional framework of the Schengen area. First, the Commission proposes a strengthening of the Schengen evaluation mechanism. Announced and unannounced monitoring visits to a given Member State by Commission-led teams with experts from other Member States and Frontex will verify the application of the Schengen rules. Second, the Commission tackles the problem of unilateral reintroduction of borders. Such a decision for the reintroduction of internal border controls for foreseeable events (such as an important sporting event or a major political meeting) would be taken at the European level on the basis of a proposal by the European Commission backed by a ‘qualified majority’ of Member States’ experts. If a Member State fails to adequately protect a part of the EU’s external border, support measures including technical and financial support from the Commission, from Member States, from FRONTEX or other agencies like Europol or the European Asylum Support Office (EASO), can be taken. The proposed measures are a big step forward for the European border security policy. The Schengen border security legal framework is now part of the EU acquis. Any revision of the Schengen framework goes through a codecision procedure, where the European Parliament is a co-legislator with the Council.

There are many forms of illegal migration. Migrants enter a Member State by land, air or sea. Some use false or forged documents or organised criminal networks. Others enter legally and then "overstay". The study points out that it is very difficult to establish a clear picture of the scale of illegal immigration in the EU Member States. The number of illegal immigrants is estimated on the basis of the number of refused entries and removals, border arrests, rejected applications for asylum or national protection or applications for national regularisation procedures. To these numbers must be added those who do not apply for any form of international protection. On the basis of these estimates, the Commission considers that illegal migration is significant and that the reduction of illegal migration flows is a political priority at both national and EU level.

The study then examines the impact of bilateral agreements, visa policy and cooperation with third countries on illegal immigration flows. As regards agreements, in most Member States there is no direct link between the introduction of bilateral schemes and a reduction in illegal migration flows. Signing bilateral agreements seems nevertheless to have helped develop cooperation with third countries on migration issues in general.

b) Overall impact of EU migration policy and legislation on visa policy and the issuing of visas - This study analyses the effect of a legal migration policy on illegal migration flows and on cooperation with third countries in the fight against illegal immigration. The study first describes the existing measures for managing legal immigration, and then analyses the relationship between legal and illegal migration flows.

The admission of third country nationals for the purposes of employment varies from one Member State to another, as it is governed by their domestic legislation designed to respond to different migratory trends. Current procedures and policies are designed to satisfy labour market requirements whilst also protecting the interests of the national workforce. Third-country nationals wishing to work in the EU must satisfy certain criteria. For example, they need a job offer, adequate financial resources and sickness insurance to be eligible for a temporary
residence permit. It is difficult to assess legal migration flows on the one hand, and to estimate labour market needs on the other. Even if the quality of Community statistics has improved, the sources, definitions, data collection and practices still vary from one Member State to another. Migration for the purpose of employment currently accounts for less than 15% of persons admitted to Member States. Most third country nationals legally admitted to the EU enter by way of family reunification or humanitarian protection.

c) The following specific instruments had an effect on Bulgaria’s legislation and/or policy and practices:
- EU visa facilitation agreements;
- Lifting of visa requirements with particular third countries, including, among others, the impact of amendments to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirements;\(^\text{12}\)
  - The Visa Information System (VIS);
  - The Visa Code (Regulation (EC) No 810/2009) and the common consular instructions;

d) To implement the Schengen criteria during the preparation / 2007-2010 / in Bulgaria has taken all necessary actions to promptly bring the national legislation in accordance with European, update of our international legal contractual basis, provide the necessary modern equipment and infrastructure and strengthening administrative capacity, our country enjoys the experience and best practices in Member State.

In this connection, changes made in the legislation (Act on entry, stay and departure of the Republic of Bulgaria to European Union citizens and their family members, the Law on Foreigners in Bulgaria Ordinance on procedures for issuing visas and identification of visa mode Tariff No. 3 for fees collected for consular services in the Ministry of Foreign Affairs under the State Ordinance on fees and arrangements for printing, storage, application, cancellations, culling, disposal and reporting of visa stickers of forms for affixing visas).

Positive impact on the number of issued visa and travel facilitation for tourists, students and businessmen have had decisions on exemptions from the visa requirement for citizens of Serbia, Macedonia, Montenegro, Albania and Bosnia and Herzegovina and the implementation of agreements on simplified visa regime for Russian Federation, Ukraine and Moldova. In December 2009 were exempt from visa for citizens of the former Yugoslav Republic of Macedonia, Serbia and Montenegro. In December 2010 meters Albania and Bosnia and Herzegovina passed by “Negative” to “positive” list. This exemption from the visa requirement facilitate travel for tourists, students, businessmen, intensified cultural and scientific exchanges and improve investment environment.

The analyzes of the statistics of processed applications visas in recent years, reported a tendency to significantly increase the number of visas issued for tourism from the consular authorities of the Republic of Bulgaria in Russia, Ukraine and Moldova.

Last year 2011 is growth of the issued visas as follows:

\(^\text{12}\) For example, the recent lifting of visa obligations from some Balkan States, see \url{http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1852} and related EMN Ad-Hoc Query.
- For citizens of the Russian Federation, 35% increase over 2010, the number of visas issued is 390,000;
- For citizens of Ukraine, 50% increase as the number of visas issued e 160,000;
- The people of Moldova, 7% increase, as the number of visas issued e 52,255.

6. DATA AND EMPIRICAL EVIDENCE ON VISAS ISSUED BY AND IMMIGRATION TO THE REPUBLIC OF BULGARIA

Provided in the Annex below

7. CONCLUSIONS

Condition of the regulatory framework
There is a tendency of transposing the European migration legislation “on a piecemeal, sector by sector basis”. Given the variety of relations that are being 29 regulated in the field of free movement and illegal migration, there is a need to review migration regulations towards improving the practical implementation of the legislation in the field.

Institutional arrangement
The responsible institutions are scattered under the hats of different ministries and agencies and this impedes their interaction and cooperation. There is lack of a unit coordinating and controlling the implementation of the government migration policies.

Administrative capacity of the professionals working in the field
Officials are underqualified; there is lack of specialized training on migration issues. The administrative capacity needs to be developed to enable the administration to make its active and quality contribution in formulating the priorities of both the national and the common European migration policy. In that light, there is a need to invest in training and improving the pay of the administration in order to ensure active and competent participation of Bulgaria in migration policy formulation at EU level.

Information support
There are problems with the collection and analysis of the statistical information provided by different competent institutions. Some issues stand out, such as lack of opportunities for qualitative and quantitative studies needed for comparability and preparing of quality analysis and forecasts, including for publicity of the data about the migration situation in Bulgaria. Considering information support, there is a need to take further action to provide migration policy with comparable statistical data, analyses, studies, public opinion surveys, etc. Due regard is given to the importance of raising public awareness by ensuring publicity of migration situation reports, holding necessarily public discussions on legislative amendments, organizing migration policy forums, envisaging 30 forms of citizen control on the implementation of the measures set out in the action plans. There is a need to create and develop national integration forums, to enhance the information exchange and cooperation at national level between institutions, non-governmental and international organizations, to make effective use of the European Fund for the Integration of Third-country Nationals forum and the European website.

Illegal migration, return and fight against human trafficking
There is absence of sustainable voluntary return policies as an important tool for decreasing illegal migration and pursuing an effective migration policy. Furthermore, there is a
need to improve the procedures for implementation of the measures for administrative enforcement (“compulsory taking to the Bulgarian border” and ‘expulsion’), to develop voluntary cooperation programs, to strengthen the administrative capacity of the officials directly concerned with return procedures. Due regard should be given to the need to increase the collectability of information on the countries of origin and to enhance the proactive role of the diplomatic and consular representations in providing information on the situation in the respective countries. Thought should be given to opportunities for more active provision by embassies of information on the situation in the respective countries and developing, on that basis, lists of safe third countries. There is also a need to step up the development of the national policy for combating human trafficking, to elaborate action plans for the prevention of this phenomenon, and to upgrade the existing mechanisms.

Confirmation of an explicit link between visa policy and:
- Legal migration: by choosing certain types of visas and certain categories of migrants (students, workers, family reunification) and certain third countries (via facilitation agreements).
- Irregular migration: various means to assess migratory risk, fight against documentary fraud and cooperation with third countries

**ANNEX(ES)**
1. EU acquis
Annex 1: Relevant JHA Acquis

This Annex provides the complete list of the EU legislation for the external border, visa and immigration acquis.

The following key has been used to indicate when the legislation below was adopted:

★ Instruments published in 2010

★ instruments published in 2009

◆ instruments published in 2008

◇ instruments published in 2007

➢ instruments published in 2006

❑ instruments published in 2005

❖ instruments published in 2004

● instruments published in 2003

O instruments published in 2002

– all instruments until 31.12.2001

EXTERNAL BORDERS

A. Conventions to which accession is obligatory

None

B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC

– Joint Position 96/622/JHA of 25 October 1996 defined by the Council on the basis of Article K.3 (2) (a) of the Treaty on European Union, on pre-frontier assistance and training assignments (OJ L 281 of 31 October 1996, p. 1);


– Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents (OJ L 81 of 1 April 2000, p.1);


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\(^{13}\) This Annex currently includes all changes up to 30th June 2010 inclusive. EMN NCPs will be informed of further updates in due course. The complete JHA acquis, up to and including October 2009, is available from [http://ec.europa.eu/home-affairs/doc_centre/intro/doc_intro_en.htm](http://ec.europa.eu/home-affairs/doc_centre/intro/doc_intro_en.htm).

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Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 19);


Commission Decision of 28 February 2005 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2005) 409 final);

Commission decision of 28 June 2006 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C (2006) 2909);


This instrument is also mentioned under the section on "Fight against illegal migration and return".
Treasury study on Visa Policy as Migration Channel in the Republic of Bulgaria


- Council Decision of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 111 of 4 May 2010, p. 20);

- Commission Recommendation of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C(2006) 5186 final);

- Commission Recommendation of 25 June 2008 amending the Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C (2006) 5186 final) (C (2008) 2976 final);


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C. Other European Union Instruments and documents


VISA

A. Conventions to which accession is obligatory

None

B. Joint Actions, Common Positions, Framework Instruments adopted under the TEC18

Joint Decisions and Decisions (Maastricht Treaty);

Joint Decisions and Decisions (Amsterdam Treaty);


  o Commission Decision of 7 February 1996 and Commission Decision of 3 June 2002 laying down further technical specifications for the uniform format for visas (not published);


  – Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81 of 21 March 2001, p. 1);

  – Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (OJ L 327 of 12 December 2001, p. 1);

  ● Council Regulation (EC) No 453/2003 of 6 March 2003 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 69 of 6 March 2003, p. 10)19;


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19 See also Communication from the Commission pursuant to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as amended by Regulation (EC) No 2414/2001 of 7 December 2001 (OJ C 68 of 21 March 2003, p.1).
the external borders and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (OJ L 141 of 4 June 2005, p. 3)\textsuperscript{20};


- Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 336 of 18 December 2009, p. 1);


 Council Decision 2004/17 of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa (OJ L 5 of 9 January 2004, p. 79);

➢ Council Decision 2006/440/EC of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications (OJ L 175 of 29 June 2006, p. 77);


Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53 of 23 February 2002, p. 4);

Commission Decision of 12 August 2002 laying down the technical specifications for the uniform format for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (not published);


Commission Decision of 14 August 2002 laying down the technical specifications for the uniform format for residence permits for third country nationals (not published);


Council Regulation 693/2003/EC of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99 of 17 April 2003, p. 8);


Commission Decision (2006/752/EC) of 3 November 2006 establishing the sites for the Visa Information System during the development phase (OJ L 305 of 4 November 2006, p. 13);

Commission Decision 2008/602/EC of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase (OJ L 194 of 23 July 2008, p. 3);

Commission Decision 2008/602/EC of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase (OJ L 194 of 23 July 2008, p. 3);


\(^{22}\) Notified under document C(2009) 7435.
Decision No 895/2006/EC of the European Parliament and of the Council of 14 June 2006 introducing a simplified regime for the control of persons at the external borders based on unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 167 of 20 June 2006, p. 1)23;


Decision No 586/2008 of the European Parliament and of the Council of 17 June 2008 amending Decision No 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (OJ L 162 of 21 June 2008, p. 27);

Decision No 582/2008 of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 161 of 20 June 2008, p. 30);


Council Decision 2007/822/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 96);


Council Decision 2007/824/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Former Republic of Macedonia on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 120);


23 Also relevant for visas.
24 Also relevant for visas.
EMN study on Visa Policy as Migration Channel in the Republic of Bulgaria


C. Other European Union Instruments and documents

– Council Recommendation 96/C 80/01 of 4 March 1996 relating to local consular cooperation regarding visas (OJ C 80 of 18 March 1996, p. 1);

– Council Recommendation 1999/C 140/01 of 29 April 1999 on the provisions for the detection of falsified documents in the visa departments of representations abroad and in the offices of domestic authorities dealing with the issue or extension of visas (OJ C 140 of 20 May 1999, p. 1);

➢ Council Decision (2004/265/EC) of 8 March concerning the conclusion of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China (ADS) (OJ L 83 of 30 March 2004, p. 12);


➢ Recommendation of the European Parliament and of the Council 2005/761/EC of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (OJ L 289 of 3 November 2005, p. 23);


IMMIGRATION

ADMISSION

A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1st May 1999)
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- Council Decision 2006/688/EC of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (OJ L 283 of 14 October 2006, p. 40);


\(^{25}\) This instrument is also mentioned under the section on "asylum".

\(^{26}\) This instrument is also mentioned under the section on "asylum".

\(^{27}\) This instrument is also mentioned under the section on "asylum".

\(^{28}\) This instrument is also mentioned under the section on "EU citizenship".

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B. Other acts adopted before entry into force of the Amsterdam Treaty (1st May 1999)31

- Joint principles for the exchange of data in CIREFI: Doc 9987/98 CIREFI 48;
- Council Resolution 97/C 221/03 of 26 June 1997 on unaccompanied minors who are nationals of third countries (OJ C 221 of 19 July 1997, p. 23);

31 Relevant insofar as the later legislation has not replaced them.
– Joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (OJ L 327 of 19 December 1994, p. 1);

– Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons (OJ C 274 of 19 September 1996, p. 7);

– Council Conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (Cirefi) (OJ C 274 of 19 September 1996, p. 50);\(^{32}\)


**FIGHT AGAINST ILLEGAL MIGRATION AND RETURN**

**A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1\(^{st}\) May 1999)**

- Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States’ Migration Management Services (OJ L 83 of 1 April 2005, p. 48);


  - Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (OJ L 261 of 6 August 2004, p. 28);


  - Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261 of 6 August 2004, p. 19);


- Commission Decision of 29 September 2005 (2005/687/EC) on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in

\(^{32}\) Also relevant for expulsion.

\(^{33}\) This instrument is also mentioned under the section on "External borders".
matters relating to illegal immigration (notified under document number C (2005) 1508 (OJ L 264 of 8 of October 2005, p. 8);


\(^{34}\) This instrument is also mentioned under the section on "organised crime, fraud and corruption".

\(^{35}\) Notified under document number C(2009) 5453.


B. International Agreements


 Agreement between the European Community and the Russian Federation on readmission (OJ L 129 of 17 May 2007, p. 40);


 Council Decision 2006/617/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 262 of 22 September 2006, p. 34);


 Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p. 22);

Information relating to the entry into force of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation (OJ L 96 of 5 April 2006, p. 9);


- Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p. 43);

- Information relating to the entry into force of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 138 of 1 June 2005, p. 17);


- Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 143 of 30 April 2004, p. 99);

- Information concerning the entry into force of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 258 of 5 August 2004 p. 17);


- Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 17 of 24 of January 2004, p. 25);

- Information on the entry into force of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 64 of 2 March 2004, p. 38);


- Council Decision 2007/817/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the
readmission of persons residing without authorisation - Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 1);


### C. Other acts adopted before entry into force of the Amsterdam Treaty (1st May 1999)\(^{37}\)

- Council Decision on the inclusion of model readmission clauses in Community agreements and in agreements between the European Community, its Member States and third countries. Doc. 13409/99 MIGR 69;

- Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience (OJ C 382 of 16 December 1997, p. 1);

- Council Decision (97/340/JHA) of 26 May 1997 on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals (OJ L 147 of 5 June 1997, p. 3);

- Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals (OJ C 304 of 14 October 1996, p. 1);

- Council Conclusions of 4 March 1996 concerning readmission clauses for future mixed agreements: Documents 4272/96 ASIM 6 et 5457/96 ASIM 37;

- Council Recommendation of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures (OJ C 5 of 10 January 1996, p. 3);

\(^{37}\) Relevant insofar as the later legislation has not replaced them.
– Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control (OJ C 5 of 10 January 1996, p. 1);

– Council Recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements (OJ C 274 of 19 September 1996, p. 25);

– Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274 of 19 September 1996, p. 18);

– Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country (OJ C 274 of 19 September 1996, p. 20);

– Recommendation of the 1st June 1993 concerning checks on and expulsion of third country nationals residing or working without authorisation: Document WGI 1516;

– Recommendation of 30 November 1992 regarding practices followed by Member States on expulsion: Document WGI 1266;


**SCHENGEN (HORIZONTAL ISSUES) / SIS**

– Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decision which constitute the acquis (OJ L 176 of 10 July 1999, p. 1);


– Council Decision 1999/436/EC of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis (OJ L 176 of 10 July 1999, p. 17);

– Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two states with the implementation, application and development of the Schengen acquis (OJ L 176 of 10 July 1999, p. 31);

– Council Decision 1999/439/EC of 17 May 1999 on the conclusion of the agreement with the Republic of Iceland and the Kingdom of Norway concerning the latter’s association with the

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implementation, application and development of the Schengen acquis (OJ L 176 of 10 July 1999, p. 35);

- Council Decision 2000/29/EC of 28 June 1999 on the Agreement with the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland on the one hand, and the Republic of Iceland and the Kingdom of Norway on the other, in areas of the Schengen acquis which apply to these States (OJ L 15 of 20 January 2000, p. 1);

- Decision No 1/1999 of the EU/Iceland and Norway Mixed Committee established by the agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter’s association in the implementation, application and development of the Schengen acquis adopting its Rules of Procedure (OJ C 211 of 23 July 1999, p. 9);

- Amended by Decision No 1/2004 of the EU/Iceland and Norway Mixed Committee established by the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter’s association in the implementation, application and development of the Schengen acquis (OJ C 308 of 14 December 2004, p. 1);

- Council Decision 2000/777/EC of 1 December 2000 on the application of the Schengen acquis in Denmark, Finland and Sweden, and in Iceland and Norway (OJ L 309 of 9 December 2000, p. 24);


- Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131 of 01 June 2000, p. 43);

- Council Decision 2002/192/EC of 28 February 2002 concerning Ireland’s request to take part in some of the provisions of the Schengen acquis (OJ L 64 of 7 March 2002, p. 20);


- Council Decision of 6 December 2007 (2007/801/EC) on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 323 of 8 December 2007, p. 34);

- Council Decision (2008/146/EC) of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation, on the Swiss Confederation’s association with the implementation, application and development of the Schengen acquis (OJ L 53 of 27 February 2008, p. 1);
Council decision 2008/149/JHA of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation, on the Swiss Confederation’s association with the implementation, application and development of the Schengen acquis (OJ L 53 of 27 February 2008, p. 50);

Council Decision (2008/261/EC) of 28 February 2008 on the signature, on behalf of the European Community, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 83, 26.3.2008, p. 3);

Council Decision (2008/262/EC) of 28 February 2008 on the signature, on behalf of the European Union, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 83, 26.3.2008, p.5. Corrigendum published in OJ L 110, of 22 April 2008, p. 16);

Decision N° 1/2004 of the EU/Switzerland Mixed Committee established by the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the latter's association in the implementation, application and development of the Schengen acquis of 26 October 2004 adopting its Rules of Procedure (OJ C 308 of 14 December 2004, p. 2);

Decision No 1/2008 of the EU/Switzerland Mixed Committee established by the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the latter’s association in the implementation, application and development of the Schengen acquis of 28 February 2008 amending its Rules of Procedure (OJ L 83, 26.3.2008, p. 37);

– Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 248 of 3 October 2000, p. 1);


abolition of checks at the common borders (Schengen Convention) (OJ L 271 of 24 October 2000, p. 1);

- Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 260 of 11 October 2003, p. 37);

  - Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET" (OJ L 85 of 6 April 2000, p. 12);

  - Council Decision 2000/664/EC of 23 October 2000 amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET" (OJ L 278 of 31 October 2000, p. 24);

- Council Decision 2003/171/EC of 27 February 2003 amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "Sisnet" (OJ L 69 of 13 March 2003, p. 10);

  - Council Decision 2009/915/EC of 30 November 2009 amending Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET" (OJ L 323 of 10 December 2009, p. 9);

  - Council Decision 2003/836/EC of 27 November 2003 on the repeal of the Financial Regulation governing the budgetary aspects of the management by the Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II (OJ L 318 of 3 December 2003, p. 23);


Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS I+) to the second generation Schengen Information System (SIS II) (OJ L 299 of 8 November 2008, p. 43);

Commission Decision 2009/724/JHA of 17 September 2009 laying down the date for the completion of migration from the Schengen Information System (SIS I+) to the second generation Schengen Information System (SIS II) (OJ L 257 of 30 September 2009, p. 41);


Council Decision 2003/835/EC of 27 November 2003 on the repeal of the decision authorising the Secretary-General of the Council in the context of the integration of the Schengen acquis into the framework of the European Union to act as representative of certain Member States for the purposes of concluding contracts relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II and to manage such contracts (OJ L 318 of 3 December 2003, p. 22);


Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 162 of 30 April 2004, p. 29);


Council Decision (2006/628/EC) of 24 July 2006 fixing the date of application of Article 1(4) and (5) of Regulation No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256 of 20 September 2006, p. 15);

Regulation (EC) No 1160/2005 of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (Text with EEA relevance) (OJ L 191 of 22 July 2005, p. 18);

Council Decision 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 068 of 15 March 2005, p. 44);

Council Decision 2005/719/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 271 of 15 October 2005, p. 54);

Council Decision 2005/727/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 25);

Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 26);

Council Decision 2006/228/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 81 of 18 March 2006, p. 45);

Council Decision 2006/229/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 81 of 18 March 2006, p. 46);

Council Decision 2006/631/JHA of 24 July 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 256 of 20 September 2006, p. 18);
Council Decision (2007/471/EC) of 12 June 2007 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 179 of 7 July 2007, p. 46);


- Council Decision (2007/472/EC) of 25 June 2007 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 179 of 7 July 2007, p. 50);


- Council Decision 2009/914/EC of 30 November 2009 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 323 of 10 December 2009, p. 6);

- Council Decision 2010/32/EC of 30 November 2009 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 14 of 20 January 2010, p. 9);


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\(^{39}\) This instrument is also mentioned under the section on "asylum".

\(^{40}\) This instrument is also mentioned under the section on "asylum".

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