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ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN BULGARIA OVERVIEW

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INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in **Bulgaria**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by **Bulgaria** in **January 2024**



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

The **National Council on Migration, Borders, Asylum and Integration** is a collective advisory authority under the Council of Ministers, chaired by the Minister of Interior. Its task is to formulate the national policies in the areas of Migration, Borders, Asylum and Integration and to improve cooperation and coordination between the entities engaged in their implementation. The Council functions as a linking unit between the relevant ministries/agencies, local authorities and the involved non-governmental and international organisations having activities in the national territory.

The **Migration Directorate within the Ministry of Interior** is in charge of administrating residence of third-country nationals, removals, coordination, information support and analysis, as well as accommodation of irregularly staying third-country nationals for the

implementation of return decisions. The Migration Directorate also monitors compliance with the conditions for residence of EU citizens in the country.

The **State Agency for Refugees with the Council of Ministers** is responsible for granting refugee status and subsidiary protection status (the so-called “humanitarian status”). Under the Bulgarian Constitution, asylum shall be granted by the President of the Republic.

The **“Border Police” Directorate General within the Ministry of Interior** is responsible for border control and implementation of readmission agreements.

The **Ministry of Foreign Affairs** is competent for visa matters through the diplomatic and consular services abroad.

The **Ministry of Labour and Social Policy** proposes and implements measures managing labour migration and regulates access to the national labour market. The **Employment Agency** under this Ministry grants access to the labour market and issues national work permits and freelance permits. The **Social Assistance Agency** under this Ministry is responsible for guaranteeing the rights of unaccompanied minors and implementing measures for their protection.

The **National Council on Labour Migration and Labour Mobility** is the main instrument in support of the social dialogue in this field between the State and the Social Partners, i.e. representative organisations, at the national level, of employers and employees, relevant institutions, NGOs, etc.

The **State Agency for Child Protection** is competent for the development and coordination of the State policy for child protection and for the implementation of relevant programmes.

The **Ministry of Justice** is responsible for adopting an opinion and proposal on granting citizenship. On this ground the **President of the Republic** shall issue a decree for granting citizenship.

Other entities that complement the work on migration and asylum matters in Bulgaria are:

- the International Organization for Migration (IOM);
- the UN Refugee Agency (UNHCR);
- the International Labour Organization (ILO);
- the Bulgarian Red Cross;
- the Bulgarian Helsinki Committee;
- the Bulgarian Council on Refugees and Migrants;
- the Association for Integration of Refugees and Migrants;
- Caritas Bulgaria, etc.

THE LEGAL SYSTEM

The **Law on Foreigners in the Republic of Bulgaria** is the key legal act regulating the conditions concerning stay and residence of third-country nationals.

The **Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and Their Family Members** provides for the conditions for stay and residence of EU citizens and their families.

The **Law on Labour Migration and Labour Mobility** regulates both labour migration of third-country nationals, including under international bilateral labour migration agreements, as well as issues regarding the labour mobility of EU citizens within EU.

The **Law on Asylum and Refugees** lays down the conditions and the procedure for granting refugee status, humanitarian status (subsidiary protection status) to third-country national, as well as their rights and obligations.

The **Ordinance on the Conditions and Procedure for posting and secondment of workers and employees for the provision of services** defines the specific provisions regarding posting of workers.

The **Law on Citizenship** regulates the procedures of awarding Bulgarian citizenship.

LEGAL MIGRATION

Third-country nationals may enter the Republic of Bulgaria if they hold a valid passport or a travel document replacing it, as well as a visa, when such is required. A visa is not required in the cases provided for in Council Regulation (EC) № 539/2001, as well as in other binding EU acts, in an international treaty to which the Republic of Bulgaria is a party, or in an act of the Council of Ministers. A visa is not required if the foreigner holds a prolonged, long-term or permanent residence card. A visa is not required when a third-country national who is a member of the family of a Bulgarian citizen, holds a residence card of a family member of a citizen of the European Union. This card shall have been issued in:

1. The Republic of Bulgaria, if the grounds for its issuance have not lapsed;
2. Another Member State of the European Union, if the family member accompanies or joins the Bulgarian citizen.

Visa types include: air transit visa, transit visa, short-term residence visa, and long-term residence visa.

The Ministry of Foreign Affairs is responsible for issuing visas in coordination with the Ministry of Interior (Migration Directorate) and the State Agency for National Security.

EU citizens and their family members wishing to stay for more than three months must register to receive a residence certificate.

Short-term residence may not exceed ninety days.

Prolonged residence is given for the period up to one year except in the cases provided for in the Law on Foreigners in the Republic of Bulgaria mainly for reasons related to education, family reunification and labour.

Long-term residence is given for a period of 5 years, with a possibility of renewal. Long-term residence status is granted to a foreigner who has resided legally and without interruption on the territory of the Republic of

Bulgaria within 5 years before submitting the application for a long-term residence permit. Requirements must be met regarding housing, subsistence, compulsory insurance and social insurance.

Permanent residence may be granted after five years of uninterrupted residence or in case of e.g. certain family ties, investments or Bulgarian nationality.

The **Blue Card** is valid for 5 years. Regarding access to the labour market, certain types of short-term employment and study are exempted from work permit requirement. Registration must however be done before entry and employment. Work permits may be issued to a third-country national having specialised knowledge, skills and professional experiences, where certain conditions are met. A work permit is valid for three years. Asylum applicants have access to the labour market if the asylum procedure has not been finalised after one year. Refugees and persons granted humanitarian status have the right to work.

The Migration Directorate is responsible for issuing residence permits in coordination with the State Agency for National Security.

IRREGULAR MIGRATION

Police authorities implement control over irregular migrants inside the country. The Migration Directorate is responsible for implementing the return of irregular migrants at the national level. The Migration Directorate manages two special homes for temporary accommodation of foreigners (SHTAFs), where third-country nationals with a return decision are accommodated, when needed, in order to ensure the implementation of the forced return procedures. Third-country nationals can apply for international protection at any stage, both to the police authorities when they are apprehended and during their stay in the SHTAFs. After filling an application for granting international protection, third-country nationals are transferred to the State Agency for Refugees with the Council of Ministers (SAR), where the procedure for examination and ruling on the application for international protection is carried out. Unaccompanied minors are not accommodated in the SHTAFs. They are handed over to the competent territorial Social Assistance Directorates within the Social Assistance Agency for taking protection measures in accordance with the Law on Child Protection, or to the SAR in the case of a lodged application for international protection.

Return can be forced or voluntary. Bulgaria has laid the foundations for building a properly functioning system of return counselling with focus of voluntary return and reintegration.

INTERNATIONAL PROTECTION

The **State Agency for Refugees** is the state authority responsible for conducting the procedure for international protection, which may result in granting or refusal of refugee or humanitarian status. The procedure is regulated in the Law on Asylum and Refugees (LAR). According to LAR any foreigner may seek international protection in the Republic of Bulgaria. An asylum application may be lodged either before SAR, or before any other state authority, which is obligated to refer it immediately to SAR. The Law on Asylum and Refugees sets a 6-month timeframe for deciding on an asylum application admitted to the regular procedure. The Agency examines the applications for international protection objectively and impartially, irrespective of race, religion, nationality, political opinion or membership of a specific social group. The two existing types of international protection are the refugee status and the subsidiary protection (“humanitarian status” in LAR.)

Migration policy is related to other sectors, such as: public health, education, commerce, demographics, transport, antipoverty, and working conditions. Labour market policy and work force characteristics are important elements, as immigration policy is applied in support of economic development.



INSTITUTIONAL CHART

The most up to date Institutional Chart will be added in as an Annex.

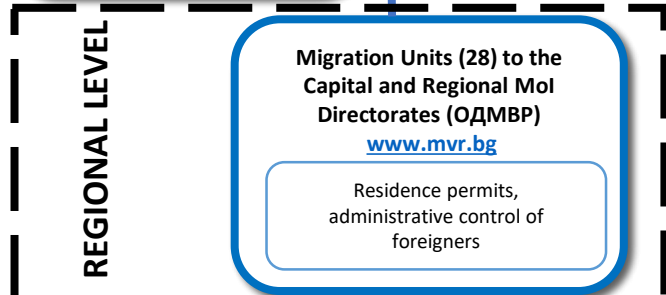
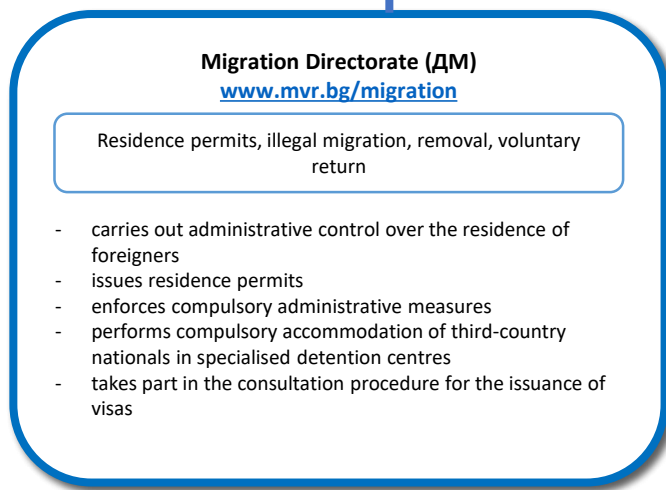
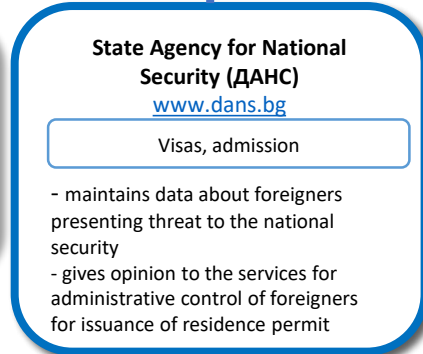
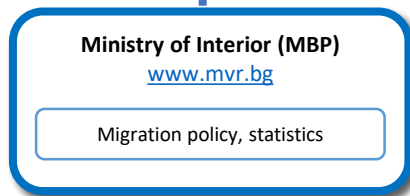
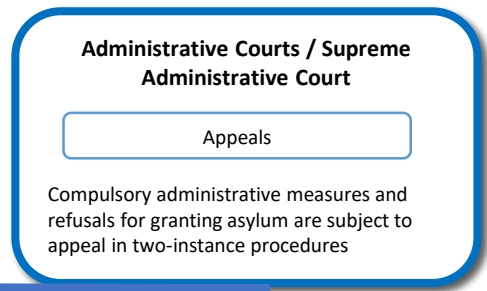
Bulgaria

Institutional Framework for migration and asylum*

NATIONAL LEVEL



*Please note that this institutional chart provides an indicative overview of the asylum and migration system in the EMN Bulgaria concerned January 2024



REGIONAL LEVEL

