



# **Legal Migration Fitness Check**

Evidence base for practical  
implementation

Member State summary

**Bulgaria**

*Annex 2 BG*

Written by ICF Consulting Services  
Limited

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## **LEGAL NOTICE**

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## Introduction

This document provides an overview of the legal and practical implementation of EU legal migration acquis in **Bulgaria**. The legal and practical implementation study is structured according to the eight steps – ‘phases’ of the migration process from the perspective of the migrant<sup>1</sup> for the following Directives:

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Research Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
National parallel scheme		permanent residence (постоянно пребиваване) - existed prior to long-term residence				
		regulated in the Bulgarian Law on Foreigners, Art. 25 and following, and the Regulation for its Implementation, Art. 34 and following				
Options implemented?			Pupil Trainee			

<sup>1</sup> . See ref document (EU summary) Under each phase, the following aspects are examined : : **Legal transposition of the EU legal migration acquis**: including whether the MS has overall complied with the transposition of the relevant EU acquis in the respective phase and whether these non-compliance issues affect the practical application of the Directive; **Practical application of the EU legal migration acquis**: overview of the main application issues/problems arising in the MS per each of the migration phases; **Differences between national statuses and the EU legal migration acquis**: substantial differences at the level of legislation and practical implementation between the EU legal migration Directives and their national equivalents (where these exist).

## **Main differences between EU statuses and the respective national parallel schemes**

The pre-application (information) phase presents a similar situation between the long-term residence status under the LTR and the equivalent national status of permanent residence. However, with the permanent residence preceding the transposition of the LTR, information on how to obtain it and what rights it gives seems to be more comprehensive and easier to find than the information on the LTR.

In the preparation phase, differences in the grounds for application and ensuing required documentation are observed between the EU LTR status and the national equivalent. In addition to being granted to foreigners with 5 year legal and continuous residence, to persons who have been married for more than 5 years with a permanent resident who also have 5 years legal and continuous residence and to unmarried children of permanent residents, the national permanent residence status is also granted to persons of Bulgarian origin, parents of a Bulgarian citizen providing maintenance to him/her and having 3 years of legal and continuous residence, some particular cases of persons of former Soviet Union origin, and various investors. This means that, besides proof of accommodation and sufficient financial means, various documents proving Bulgarian origin, investments and family relations, such as birth and marriage certificates and certificates of investment, are needed. Also, in contrast to the EU LTR status, the national status does not explicitly require sickness insurance (as the applicant is assumed to already have health insurance under the same conditions applying to Bulgarian citizens).

No significant differences in terms of application process are observed between the LTR and the equivalent national status of permanent residence.

Differences concerning entry and travel are not applicable, as national equivalent permanent residence and the LTR are not directly concerned with that phase.

As regards the post-application phase, permits of five years are given under LTR, while permanent residence permits are given for up to five years, depending on the validity of the national passport. Both statuses are otherwise permanent if no grounds for revocation have arisen.

- Differences are not applicable, regarding the residency phase.

As for intra-EU mobility, third country nationals with long-term residence status can apply for residence in other Member States, while permanent residents cannot, as permanent residence is a national status not accepted as equivalent by other Member States.

Concerning leaving the EU, similarly for LTR and permanent residents, their permit is generally withdrawn if the foreigner is absent from the territories of EU Member States for 12 consecutive months and in all cases - after 6 years of absence from the territory of Bulgaria.

## **1 Pre-application phase**

### **1.1 Legal transposition of the EU legal migration acquis**

The pre-application (information) phase does not present any critical compliance issues. However, the transposition of Article 9 of the SPD may rise concerns – the respective national provision lays down the obligation for the authorities to communicate upon request adequate information on the documents required for the access to the labour market to foreigners and their employers, but does not provide details on the actual procedure for the issuance of a single permit.

This non-compliance issue may affect the practical application of the Directive to the extent that some authorities in practice might not meet their obligation to inform comprehensively as they are not specifically obligated by law to do so.

## 1.2 Practical application of the EU legal migration acquis

The main application issues arising in Bulgaria in this migration phase concern the availability of easy to find and comprehensive information on the national admission procedures, transposing the different migration Directives. The information is scattered over the different websites and other information channels of the various responsible institutions and some NGOs/IGOs. It is mostly available only in Bulgarian and English and few details are found on the website of the Ministry of Foreign Affairs, which foreigners would presumably consult while in their respective countries of origin. Being work-related, information on the BCD and SPD seems significantly richer than that on the other Directives and is provided by the Employment Agency and various business organisations.

None of the application issues described above has been considered as a de facto infringement of the Directive.

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Research Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
Languages	National language English					
The information is easy to find*	3	3	4	4	2	2

\* 1: Strongly agree; 2: Agree; 3: Neither agree/nor disagree; 4: Disagree; 5: Strongly disagree

Information can be found on the following aspects of the application procedure:

Application procedure	Conditions for admission	Entry requirements (e.g. visa etc.)	Cost of application	Applicable deadlines	Rights upon admission	Any differences between the Directives
Yes	Yes	Yes	Yes	Yes	Yes	

### Information upon request

Regarding customised information upon request, the Migration Directorate gives residency information during its reception hours, the preference is for the foreigner to appear in person so that his/her concrete circumstances can be discussed.

IOM Bulgaria has a contact form where immigrants or candidates can ask questions about their status. The Employment Agency has a hotline, giving consultations on the foreigners' access to the labour market (BCD, SPD).

In practice, customised information upon request is hardly available - after a query to migration authorities made by e-mail in English by a non-Bulgarian, an e-mail answer was received in Bulgarian, dated on the day following the submission of the query.

The reply was general, citing the relevant law and inviting the foreigner to visit the authorities in person during reception hours.

### **1.3 Differences between national statuses and the EU legal migration acquis**

The pre-application (information) phase presents a similar situation between the long-term residence status under the LTR and the equivalent national status of permanent residence. However, with the permanent residence preceding the transposition of the LTR, information on how to obtain it and what rights it gives seems to be more comprehensive and easier to find than the information on the LTR.

## **2 Preparation phase**

### **2.1 Legal transposition of the EU legal migration acquis**

Bulgaria has transposed two 'may clauses' in Art. 7 (1) of the FRD in a manner slightly differing from the sense of the Directive provisions. As regards Art. 7(1)(a), concerning "normal" accommodation, unlike the Directive, the national provision does not set any criteria about accommodation regarded as "*normal for a comparable family in the same region and which meets the general health and safety standards in force in the country*" (not affecting the compliance with the Directive provision). Regarding Art. 7(1)(c), concerning stable and regular resources, Bulgarian legislation applies absolute thresholds like minimum wages, minimum scholarship and minimum pension, whereas EU law allows only reference sums to be used, which could constitute a conformity issue.

There is no de facto infringement of the Directive in practice.

### **2.2 Practical application of the EU legal migration acquis**

The pre-application preparation phase can be fairly cumbersome for the applicant, as each of the application processes under the Directives encompasses an application on the substance (i.e. the application to be granted the status, e.g. for work, research, etc.), a visa application to enter the Member State, if applicable, and an application for the residence permit before the foreigners' services of the Ministry of the Interior. These follow different procedures, using different forms, and take place before different authorities, with work-related permits involving a decision by the Employment Agency. A single step application is in place only for the LTR, where residence permits are requested from foreigners' services.

Although most forms are available online as downloadable documents to be printed, it is not possible to lodge any applications / requests online. Little guidance is available on how to fill in the forms.

No specific, easy to obtain guidance is offered on recognition of diplomas either.

With few exceptions, all forms are and should be filled in Bulgarian as this is the official language of administrative proceedings. All documents are required in originals/certified copies, with translation attached.

No integration courses or tests are in place.

Information to be filled in the forms is fairly relevant and not excessively extensive, but supporting documents may take a lot of time to gather and translate.

Ease of the application procedure:

<b>Step</b>	<b>FRD</b>	<b>LTR</b>	<b>SD</b>	<b>RD</b>	<b>BCD</b>	<b>SPD</b>
The information that applicants need to	2	2	2	5	5	5

complete is not extensive						
The application form is user-friendly	2	2	2	2	2	2

Key information/ documents required:

Type of information	FRD	LTR	SD	RD	BCD
Family ties	Yes, T, C, R				
Continuous legal residence		Yes, R			
Sufficient resources	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R (students, trainees)	Yes, R	
Accommodation/Address in territory	Yes, T, C, R		Yes	Yes	Yes
Sickness insurance	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R
Work contract (for RD host agreement)				Yes, T, C, R	Yes, T, C, R
Minimum salary threshold	Yes, sufficient maintenance money in an amount not less than minimum monthly wage, minimum scholarship or minimum pension for the country, T, C, R		Yes, sufficient maintenance money in an amount not less than minimum monthly wage, minimum scholarship or minimum pension for the country, T, C, R	Yes, sufficient maintenance money in an amount not less than minimum monthly wage, minimum scholarship or minimum pension for the country, T, C, R	
Professional qualifications				Yes, T, C, R	Yes, T, C, R
(Pre-) Integration measures					
Pre-departure conditions			Determined by the enterprise, university		



Proof no threat to public	No	No	No	No	No
Medical examination certificate	No				No
Valid travel document			Yes, T, R	Yes, R	Yes, T, C, R
Entry visa	Yes		Yes	Yes	Yes, C, R
Other	Yes, T, C, R	Yes	Yes, T, C, R	Yes, T, C, R	

*Note: T = Translation; C = Certified, R = Requirement, i.e. without this proof the application cannot be lodged.*

### **2.3 Differences between national statuses and the EU legal migration acquis**

Differences in the grounds for application and ensuing required documentation are observed between the EU LTR status and the national equivalent permanent residence status.

In addition to being granted to foreigners with 5 year legal and continuous residence, to persons who have been married for more than 5 years with a permanent resident who also have 5 years legal and continuous residence and to unmarried children of permanent residents, the national permanent residence status is also granted to persons of Bulgarian origin, parents of a Bulgarian citizen providing maintenance to him/her and having 3 years of legal and continuous residence, some particular cases of persons of former Soviet Union origin, and various investors. This means that, besides proof of accommodation and sufficient financial means, various documents proving Bulgarian origin, investments and family relations, such as birth and marriage certificates and certificates of investment, are needed.

Also, in contrast to the EU LTR status, the national status does not explicitly require sickness insurance (as the applicant is assumed to already have health insurance under the same conditions applying to Bulgarian citizens).

## **3 Application phase**

### **3.1 Legal transposition of the EU legal migration acquis**

In Bulgaria, for all statuses where another party can apply according to the Directives, e.g. employers, sponsors of family members, etc., only allows that other party to lodge an application for the status (decision on access to the labour market, decision for family reunification). Third-country nationals are not allowed to lodge the application themselves from a third country or on the territory of the Member State when already legally present. Once a positive decision has been reached, the third-country national once arrived in the Member State has to request the residence permit in person before the migration authorities in Bulgaria.

The above could constitute a serious conformity issue in the case of the SPD and those statuses covered by the SPD (e.g. the BCD), as the procedure is not a single one but rather follows two separate steps.

More specifically above has led to a conclusion of non-conformity as regards Art. 1(a) of the SPD as well as with Art. 4 (1) and (2) of the same Directive. For employment statuses, the decision on the access to the labour market is provided by the Employment Agency, while the residence permit is issued by the migration divisions of

the Ministry of the Interior, which has also justified the conclusion for non-conformity with Art. 5 (1) and 5 (2).

This two-step regime differs significantly from what the Directive stipulates and thus also affects its practical application.

### **3.2 Practical application of the EU legal migration acquis**

Applications for residence permits almost in all cases have to be lodged in person, as indicated under points 3.1 above. This is when fees are charged to the third-country nationals. The application fees range from 50-75 Euro for most resident permits (500 Euro for the national status of permanent residence, equivalent to long term residence), to 100 Euro for a long-term stay visa for up to 6 months and 200 Euro for the employer to obtain a decision by the Employment Agency. In 2017 the fees for residence permits under EU Directives were reduced following an infringement launched by the Commission.

The processing of the applications has legally applicable deadlines ranging from 7-15 days for most permits to 3 months for the LTR and the equivalent national status. No administrative or financial sanctions are applied if an applicant fails to comply within a given deadline and third country nationals are always informed when their application is incomplete and given a deadline to rectify their documentation problems. If the applicant fails to meet a deadline in the residence permit proceedings, the application is not subject to reconsideration. For the Employment Agency decision in the BCD and SPD proceedings, in case of failure to submit missing documentation, the employer may withdraw its application and re-submit later.

As the applications for residence permit can only be done or delivered on the territory of the Member State, foreigners who require a visa to enter the Member State have a partly facilitated process for this so that they can enter the Member State and start the residence permit process. For the FRD and BCD proceedings, there is no need to prove sufficient subsistent means, accommodation and transport, while for the SD, RD and BCD applicants, there is a shortened timeframe of 15 calendar days. Review processes are in place in case of negative decisions or administrative silence, understood as tacit rejection.

In terms of assessment, the application procedures are explained in detail, but the applicant may not always understand the details of what is required of him/her and may not always find comprehensive information in ordinary information sources other than the relevant legal acts.

TCNs lodge applications in the diplomatic missions/consulates of Bulgaria in the third countries only for their visas. All applications are available as downloadable documents.

Regarding the BCD and SPD, employers apply for a decision by the Employment Agency in person or by post; once a positive decision has been received on their application, foreigners need to request a continuous residence permit in person once in the country – for applying for the permit, possession of long-term stay visa is required. Single permits are also issued to applicants who have residence permits on other grounds.

As for the FRD, foreigners apply in person – the sponsor for the family reunification decision and the family member, once in the country, for the continuous residence permit. For applying for the permit, possession of long-term stay visa is required.

For the SD and RD, foreigners apply in person for the continuous residence permit. For applying for the permit, possession of long-term stay visa is required.

For the LTR, foreigners apply in person for the long-term residence permit. For applying for the permit, possession of long-term stay visa is required.

Although applications are lodged before different authorities, same authorities process the applications and issue the permits – the Migration departments of the Ministry of the Interior.

The applicants are informed of the decision on their applications via post, via email, in person, via fax if the person has indicated one. BCD and SPD permits constitute a multiple decision procedure, involving a decision by the Employment Agency and a residence permit by the Ministry of the Interior. FRD permits require multiple administrative acts as well – a family reunification decision and a residence permit. SD, RD and LTR permits are given via a single administrative act by the migration authorities.

In case of a rejection of the application, reasons are provided in writing, in Bulgarian. Regarding the different types of applicants, the employer is the main applicant only for the decision of the Employment Agency. The foreigner co-operates by providing evidence about his/her qualifications.

In case of a negative decision, a review under the Administrative Procedure Code is available to applicants. For visa rejections, applicants may appeal through consular authorities. Administrative silence exists and is understood as tacit rejection for all statuses, including the national permanent residence status, unless otherwise stipulated by law. Applicants are duly notified of all decisions taken by administrative authorities. Applicants can resort to administrative and judicial review of the tacit rejection, but are not properly informed of those redress procedures.

Directive	General	FRD	LTR	SD	RD	BCD	SPD
Application from third country (Q3a)	No (applications to diplomatic missions only for visas)	Add if different					
Permit received in third country	No						
Number of authorities involved in the application	1						
Number of authorities involved in the issuance of the residence permit	1						
Application modalities	Post In person						
Existence of a standard application form for all statuses	No						
Language of the application form	National language						

Fees charged		175€	55€	150€	155€	355€	355€
Other fees charged?	No						
Fees charged for permit issuance	Yes						
Fees charged for renewal / replacement of the permit		175€	55€	150€	155€	355€	355€

The processing times are as follows:

Directive	FRD	LTR	SD	RD	BCD	SPD
Processing time /deadlines (according to law)	33,5 days	91,5 days	14 days	7 days	37 days	52 days
Processing time (in practice)	NI	NI	NI	NI	NI	NI

### **3.3 Differences between national statuses and the EU legal migration acquis**

No significant differences in terms of application process are observed between the LTR and the equivalent national status of permanent residence.

## **4 Entry and travel phase**

### **4.1 Legal transposition of the EU legal migration acquis**

No significant compliance issues established (just see observations under 3.1 above concerning Art. 4(1) and (2) of the SPD).

### **4.2 Practical application of the EU legal migration acquis**

As the third-country national is not yet in the possession of a residence permit, the Member State issues a visa and has put a specific timeframe for issuing the latter.

For work-related permits, the employer is the main applicant but the third-country national needs to request the visa.

The Member State allows / third country nationals who hold a valid permit and valid travel document to enter and re-enter their national territory only on the basis of the permit.

The Member State imposes specific entry requirements to third-country nationals of a visa free country.

Upon arrival, third-country nationals are required to declare the address they will reside at. Physical or legal persons accommodating foreigners should also register

them with the Ministry of the Interior. They should later, within a stipulated timeline before their allowed stay expires, apply for their respective residence permit.

#### **4.3 Differences between national statuses and the EU legal migration acquis**

N/A, as national equivalent permanent residence and the LTR are not directly concerned with entry and travel.

### **5 Post-application phase**

#### **5.1 Legal transposition of the EU legal migration acquis**

The FRD Directive requires a validity of residence permits of at least one year, while Bulgarian law gives to family members a continuous residence permit of up to one year. The same issue with the length of validity of permits is observed with regard to the SD. This also constitutes an important practical issue, as status holders are de facto issued permits of a duration which is too short. Moreover, the FRD transposing provisions do not specify the possibility of renewal of the residence permit of family members of third-country nationals who have been granted a continuous or permanent residence permit. This may affect the practical application of the Directive, as family members of third-country nationals who have been granted a continuous or permanent residence permit are in practice, unless/until getting a status on another basis, obliged to apply for residence permits each year, which poses a significant administrative and financial burden to them.

#### **5.2 Practical application of the EU legal migration acquis**

<b>Directive</b>	<b>FD</b>	<b>LTR</b>	<b>SD</b>	<b>RD</b>	<b>BCD</b>	<b>SPD</b>
Minimum validity of the first permit	NI	NI	NI	NI	12 months	NI
Maximum validity of first permit	12 months	60 months	12 months	12 months	12 months	NI
Minimum validity of permit renewal	NI	NI	NI	NI	NI	NI
Maximum validity of permit renewal	36 months	In principle permanent	12 months	12 months	36 months	NI

Against a fee additional to that for the residence permits, the Member State has a set timeframe to deliver the permit following the notification of the decision, of 30 days, with a possibility of fast track procedure against a higher service fee.

The employer is the main applicant and needs to be involved in the delivery of the permit only in the case of blue cards and single permits.

#### **5.3 Differences between national statuses and the EU legal migration acquis**

Permits of five years are given under LTR, while permanent residence permits are given for up to five years, depending on the validity of the national passport. Both statuses are otherwise permanent if no grounds for revocation have arisen.

## **6 Residency phase**

### **6.1 Legal transposition of the EU legal migration acquis**

Article 12 (4) of the SPD has been transposed by bilateral agreements with several third countries governing social security. These agreements establish the principle of portability of pensions in respect of old age, death, invalidity or disability. However, it might rise concerns since it is unclear whether all third countries have such agreements in place with Bulgaria.

### **6.2 Practical application of the EU legal migration acquis**

#### **a. Use of the permit:**

The residence permit is issued using the format as set out in Regulation (EC) No 1030/2002 for residence permits. The permit has a constitutive value. It gives third-country nationals the right to move freely on the Member State's territory.

Member State allows third-country nationals holding residence permits from other Member States applying the Schengen acquis (together with a valid travel document) to enter and move freely within its territory. Bulgaria is aligning with the Schengen requirements and is expected to join soon the Schengen area.

The permit is required as a legal document for the following other administrative procedures:

<b>Access to education</b>	<b>Access to healthcare</b>	<b>Registration with PES</b>	<b>Fixed telephone subscription</b>	<b>Utility subscription</b>	<b>Open a bank account</b>	<b>Social security registration</b>
X	x	x	x	x	x	X

#### **b. Renewals of the permit:**

National or EU law imposes a direct or indirect requirement to renew a valid residence document.

The renewal process does not follow a single procedure, involving more than one authority. The authority is involved as in the first application procedure.

#### **c. Change of status and naturalisation**

Status changes are possible for all statuses. The procedure for requesting a status change is the same as the first application procedure.

In order to obtain citizenship, the third-country nationals need to comply with the following conditions. To obtain Bulgarian nationality, the foreigner should have 10 years minimum (uninterrupted) period of residence, an occupation or income allowing them to sustain themselves in Bulgaria; proof of Bulgarian language knowledge; they should not have been sentenced for a crime and should not have another citizenship (with exceptions). On the other hand, naturalisation is a procedure before the Minister of Justice, taking an opinion from the Citizenship Council, and ending with a decree of the President.

Naturalisation of persons who have invested 500.000 EUR in shares or ownership of companies.

#### **d. Employment rights on the basis of the permit**

In general, a work-related permit is linked to a certain employer. When changing employer, the third-country national needs to request a change to the permit.

#### **e. Equal treatment**

With very few exceptions, like the lack of an explicit equal treatment provision concerning vocational training under the FRD and concerning employment advice under the RD, third country nationals enjoy treatment equal to that of nationals specifically stipulated by law. Self-employed workers and investors also enjoy equal treatment to a large extent.

With regard to identifying labour exploitation, the Member State does have a mechanism in place to monitor the exploitation of third-country nationals. The specific measures in place to prevent labour exploitation of third-country nationals include control and sanctioning by the General Labour Inspectorate.

#### **f. Integration**

No specific integration procedures and conditions apply to third-country nationals once established on the territory of the Member State. The only exception applies if the third-country national is a medical professional. In this case, the integration procedure (language courses) is obligatory and there are consequences.

### **6.3 Differences between national statuses and the EU legal migration acquis**

n/a

## **7 Intra-EU mobility phase**

### **7.1 Legal transposition of the EU legal migration acquis**

No significant conformity issues identified.

### **7.2 Practical application of the EU legal migration acquis**

Bulgarian law explicitly regulates only a few types of intra-EU mobility: when a Blue card holder from another Member State having resided there 18 months can, together with his/her family members, reside on the territory of Bulgaria for highly qualified work; when a foreigner is already accepted in an university in another EU Member State and applies to take part of his/her courses or take supplementary ones in Bulgaria; when researchers accepted in another EU Member State can hold part of their research in Bulgaria, as well as when a long-term resident in another EU Member State receives a continuous residence permit in Bulgaria if he/she is a worker or self-employed person in Bulgaria or for studies, including vocational training. Dependent family members of mobile third-country nationals are always allowed to move to Bulgaria from their first Member State, but, regardless of their residency status there, in Bulgaria they will only be issued a continuous residence permit. Short term mobility is ensured by the residence permits themselves.

For short-term mobility, the Member State:

- Does not require the third-country national to notify
- Does not require the third-country national to ask for authorisation.

### **7.3 Differences between national statuses and the EU legal migration acquis**

Third country nationals with long-term residence status can apply for residence in other Member States under the intra-EU mobility provisions, while permanent

residents cannot, as permanent residence is a national status not accepted as equivalent by other Member States.

## **8 End of legal stay / leaving the EU phase**

### **8.1 Legal transposition of the EU legal migration acquis**

No significant compliance issues have been established.

### **8.2 Practical application of the EU legal migration acquis**

There are no specific procedures in place for third-country nationals who choose to leave the Member State.

The Member State allows third-country nationals to export certain social security benefits by bilateral agreements with several third countries governing social security. These agreements establish the principle of portability of pensions in respect of old age, death, invalidity or disability. However, conformity is hampered since it is unclear whether all third countries have such agreements in place with Bulgaria.

Information on the portability of social security benefits is not easy to find and not clear.

A third-country national residing in the Member State is allowed to be absent from the territory for a maximum of 364 days (BCD), 365 days (LTR) before s/he loses the residence permit and/or right to stay. The absence of third-country nationals is monitored by the Member State.

No specific period of absence before foreigners loses residence permit is specified for continuous residence permits (Blue card, single permit holders, students, researchers), as the latter last for up to one year and the law's general rule for absences up to 12 consecutive months is not applicable. The five-year period after which the Blue card holder be granted long-term residency is not interrupted by absences from the territory of EU Member States to conduct economic activity as an employee or self-employed person, or volunteering, or studies in the foreigner's country of origin, if the absences are shorter than 12 consecutive months and amount to no more than 18 months during the 5-year period. The continuity of the five-year stay to get long-term residence is still in place if the foreigner's absences from Bulgaria are below 6 consecutive months and amount to no more than 10 months for the five-year period.

The Member State does not have measures or a scheme in place to allow circular migration.

The consequences of deliberate overstay of the duration of the residence permit are that the foreigner's right of residence is taken away, he/she is fined and is given a deadline to leave the country after which forced return takes place.

### **8.3 Differences between national statuses and the EU legal migration acquis**

Similarly for LTR and permanent residents, their permit is generally withdrawn if the foreigner is absent from the territories of EU Member States for 12 consecutive months and in all cases - after 6 years of absence from the territory of Bulgaria.

## **9 Main findings and conclusions – state of practical implementation of EU legal migration legislation in the Member State**

Bulgaria has transposed the main EU legal migration directives under study in separate legislative acts related to residence of foreigners, labour migration and mobility and identity documents and a number of rules are also contained in the regulations for the laws' implementation. The two main problematic areas observed,



which affect many of the phases of the legal migration process, is the lack of a 'proper' single procedure and single permit.

A number of status changes and intra-EU mobility opportunities do not appear to be specifically regulated and authorities infer their actions from more general norms of foreigners' legislation.

The main problems the country faces in applying the legal migration Directives have been found in the pre-application (information) and application phases. Bulgaria being mainly a Member State of outward migration, information on the legal migration process seems sufficient, but only laid down comprehensively in the respective legal acts and not in the information sources directed at citizens. Information in foreign languages (English) is only partly available, as is information directed at foreigners still in third countries, and opportunities for customized / personalised information provision are scarce, mainly during the reception hours of institutions. It was not easy to find information on topics like circular migration and portability of social security benefits. Notably, information on work-related legal migration (BCD, SPD) is more readily available than that on other legal migration Directives, and details on permanent residence, as a national equivalent of LTR, seem also easier to find. Information on SD and RD are relatively difficult to find.

The application phase follows the fairly strict framework of Bulgarian administrative proceedings. On the one hand, opportunities for administrative and judicial review are given at all major points and foreigners are offered the opportunity to supply missing information/documentation, when authorities establish such necessity. On the other hand, proceedings always require the foreigner's personal appearance, are held only in Bulgarian and necessary forms are only given to foreigners in person or available for download at institutions' websites with no opportunities for online submission. This may create administrative burdens of various severity for foreigners wishing to exercise their legal migration rights.

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