

# REGULATIONS FOR IMPLEMENTATION OF THE LAW FOR THE FOREIGNERS IN THE REPUBLIC OF BULGARIA

*Prom. SG. 43/26 May 2000, amend. SG. 15/24 Feb 2004*

## Section I. General Provisions

### Section II. Entry of foreigners in the Republic of Bulgaria

Art. 7. (amend., SG 15/04) Refusal to enter the Republic of Bulgaria to a foreigner, on the grounds stipulated by art. 10, para 1, item 1 - 15 of LFRB shall be imposed by an order of the Minister of Interior or by officials authorised by him.

Art. 8. (1) (amend., SG 15/04) When entering the Republic of Bulgaria the foreigner shall declare to the bodies of border passport control the purpose of his visit, and the data shall be registered in the automated information funds of the Ministry of Interior.

(2) (suppl., SG 15/04) The bodies of border control shall record the entry of the foreigner by stamping the document for overseas travelling, unless stipulated otherwise by an act of the Council of Ministers or by an international agreement party to which is the Republic of Bulgaria.

(3) (amend., SG 15/04) The data declared and announced by the foreigner before the bodies of border passport control on entering the Republic of Bulgaria shall be submitted by the bodies of border control to the offices for administrative control of the foreigners.

Art. 8a. (new, SG 15/04) The bodies of border passport control or of directorate "Migration" of the Ministry of Interior (MI) shall cancel the visa by two diagonal lines and affixing the stamp of the body having cancelled the visa, and through an additional destruction of the cinegramme protection in the cases stipulated by LFRB.

Art. 8b. (new, SG 15/04) (1) The minimal personal financial resources for daily support of a foreigner in the Republic of Bulgaria shall amount to 50 levs or their equivalence in foreign currency, except in the cases of fulfillment of international agreements for educational, scientific or cultural exchange or according to acts of the Council of Ministers.

(2) The necessary personal financial resources for leaving the country by a foreigner shall be of size necessary for the price of the ticket and the due fees (if any) for return to the country of origin or to a third country where the foreigner has the right to enter and stay.

### Section III. Staying of foreigners in the Republic of Bulgaria

Art. 10. (1) In the cases under art. 28, para 1 of LFRB the offices of administrative control of foreigners shall register the new address in a specialised information massif for administrative servicing of the foreigners.

(2) (amend., SG 15/04) The offices for administrative control under para 1 shall be the Directorate "Migration" and the regional units "Migration".

Art. 11. (1) The persons carrying out hotel activity, when accommodating a foreigner shall register him in a special register where the names of the foreigner shall be entered in the way they are entered in the document for overseas travelling, the date and the year of birth, the citizenship, the number of the document for overseas travelling and the time of staying at the respective address.

(2) (amend., SG 15/04) In the cases of art. 28, para 3 of LFRB the person shall produce to the bodies of directorate "Migration" of MI, or to the respective regional police department at the place of stay of the foreigner, his document for traveling abroad if the person does not appear personally, filling in two address cards in a form. The presented address cards shall be processed by the bodies of directorate "Migration" of MI or by the respective regional police department and one copy shall be presented to the foreigner.

(3) (new, SG 15/04) The persons carrying out hotel practice, or their employees, shall produce to the regional police department at the location of the hotel or of the place of accommodation, or to the bodies of directorate "Migration" of MI, address cards under para 2 or a list of the accommodated foreigners on paper/magnetic carrier.

Art. 11a. (new, SG 15/04) The organisation of the work of the employees of MI carrying out informational activity with the data under art. 54, para 2, item 4 of LFRB from the automated informational system of MI shall be determined by the Minister of Interior.

(2) The control over the address registration of the foreigners shall be exercised by the bodies of National Service "Police" and by the bodies of directorate "Migration" of MI.

Art. 12. (1) (amend., SG 15/04) A foreigner who wishes to extend the term of his stay in the Republic of Bulgaria must request a permit from the bodies of directorate "Migration" of MI not later than 7 working days before the expiration of the permitted term of stay.

(2) The extension of the term of stay of a foreigner in the Republic of Bulgaria, who has entered the country as a transit passenger shall be permitted only in cases of unforeseeable and insurmountable circumstances or due to humanitarian reasons, due to which he cannot leave the country.

(3) For extension of the stay in the Republic of Bulgaria a foreigner, who has entered the country with a valid visa or by permit for a short-term stay, or as a transit passenger, shall present a regular document for overseas travelling in the territorial office for administrative control of the foreigner shall file:

1. application in a form according to appendix No 3;

2. documents containing evidence for the reasons which require the extension of the stay in the country;

3. document for paid state fee under art. 10, para 4 of Tariff No 4 for the fees collected by the Ministry of Interior according to the Law for the state fees, adopted by Decree No 53 of the Council of Ministers of 1998 (prom., SG, No 27 of 1998; amend. and suppl., No 9, 33 and 78 of 1999);

4. copy of the pages of the document for overseas travelling with the photo, the personal data, the entry visa and the stamp for the last entry in the Republic of Bulgaria;

5. proof for provided home for the time of his stay in the country.

(4) (new, SG 15/04) On extending the term of stay for reasons of humanitarian nature the bodies of directorate "Migration" of MI shall hold, at their discretion, interviews for establishing the necessity of extending the term of stay.

(5) (new, SG 15/04) Where the foreigner does not hold a visa type "D" for a long-term stay the bodies of directorate "Migration" of MI, upon coordination with directorate "Consular relations" of the Ministry of Foreign Affairs, may extend the term of stay or issue a permit for a stay for reasons of humanitarian nature or for the purpose of family reunification by sending to directorate "Consular relations" of the Ministry of Foreign Affairs a document for paid visa fee.

(6) The permit for a long-term stay under art. 25a of LFRB shall be issued by the director of directorate "Migration" of MI upon presentation of a document by the respective ministry.

Art. 15. (1) A foreigner who has registration and carries out trade activity according to the Commercial Law shall attach, for first request for continuous stay, besides the documents under art. 13:

1. a certified copy of the court decision for entering the Commercial Register;

2. a certified copy of the document for tax registration;

3. (suppl., SG 15/04) a certified copy of the document for registration in the National Insurance Institute and a document for paid social and health securities for 10 Bulgarian citizens, working under legal terms of employment, if such is required by law;

4. documents containing proof of provided support during the time of stay in the country.

(2) For a subsequent request for continuous stay of a foreigner on the same grounds the following documents shall be attached:

1. court certificate for current status of the corporate case;

2. certificate by the respective tax office at the headquarters of the person for declaring financial results and paid taxes;

3. certificate by NII that the foreigner has no liabilities to it;

4. documents containing proof of provided support during his stay in the country.

Art. 16. (1) A foreigner who carries out activity by a legally established other, other than the one under the Commercial Law, shall file, for initial request for permit of continuous stay, besides the documents under art. 13:

1. a document for registration under the respective law;

2. a document for tax registration in the cases stipulated by the law;

3. documents containing proof of provided support during the time of his stay in the country;

(2) For subsequent request of a permit for continuous stay of a foreigner on the same grounds shall be filed:

1. certificate for current status of the registered activity;

2. certificate by the respective tax office at the headquarters of the person for declaring financial results and paid taxes;

3. certificate by NII that there are no overdue liabilities to it;

4. documents containing evidence for provided support during his stay in the country.

Art. 18a. (new, SG 15/04) (1) In requesting permit for a continuous stay a foreigner who is a parent of a

foreigner having obtained permit for a continuous stay pursuant to art. 24, para 1, item 14 of LFRB, besides the documents under art. 13, shall also file a birth certificate and a document for the address of stay.

(2) In requesting a permit for continuous stay by a foreigner who is in actual extramarital cohabitation with a foreigner having obtained permit for a continuous stay pursuant to art. 24, para 1, item 14 of LFRB, besides the documents under art. 13, shall also file a document for the address of stay, and where necessary – information from the Ministry of Foreign Affairs certifying the actual cohabitation.

Art. 18b. (new, SG 15/04) A foreigner having obtained permit for free lance activity by the Ministry of Labour and Social Policy, besides the documents under art. 13, shall also file a certified copy of the permit.

Art. 18c. (new, SG 15/04) A foreigner having obtained a permit for non-profit activity, besides the documents under art. 13, shall also file a certified copy of a permit issued by the Ministry of Justice.

Art. 19. (amend., SG 15/04) A foreigner having grounds to obtain permit for permanent stay under art. 25, item 1 - 8 of LFRB shall file, besides the documents under art. 13, in compliance with the grounds:

1. documents proving the grounds for permitting permanent stay;
2. certificate issued by the offices for administrative control of the foreigners, for permitted permanent stay of the spouse, the child or the parents;
3. documents containing proof of provided support during his stay in the country;
4. declaration for the consent of the two parents - in the cases under art. 25, item 3 of LFRB;
5. (new, SG 15/04) birth certificate – in the cases under art. 25, item 4 of LFRB;
6. (prev. item 5 – SG 15/04) document certifying that the candidate has stayed for at least 5 years without interruption - in the cases under art. 25, item 5 of LFRB.

7. (new, SG 15/04) birth certificate, document from the Ministry of Justice stating that the person is not a Bulgarian citizen, document from the municipal administration of the municipality on whose territory the person has been living before losing his citizenship, for entry in the register of the population;

8. (new, SG 15/04) copy of the pages of the document for travelling abroad certifying the entry and stay in the Republic of Bulgaria, if the person holds such; if the person cannot produce such a document a check up shall be carried out in the information funds of MI; the bodies of directorate “Migration” of MI shall require birth certificates, marriage certificates of the parent or other document certifying the stay of the foreigner in the Republic of Bulgaria – in the cases under art. 25, item 8 of LFRB.

Art. 19a. (new, SG 15/04) In the cases of art. 25a of LFRB a document shall be required for the contributions in the respective sphere, issued by the respective minister, with exception of the cases related to the national security.

Art. 21. (suppl., SG 15/04) For obtaining permit for continuous stay of a foreigner who is financially provided parent of a permanently staying in the country foreigner or of a Bulgarian citizen shall file, besides the documents under art. 13:

1. official birth certificate of the descendant;
2. (suppl., SG 15/04) certificate issued by the offices for administrative control of the foreigners for permitted stay of the persons under item 1, or a document for Bulgarian citizenship;
3. documents containing proof of provided support during his stay in the country.

Art. 26. (revoked, SG 15/04)

Art. 28. (1) (amend., SG 15/04) The applications for permit of short-term and continuous stay shall be accepted by the bodies of directorate “Migration” or the regional units “Migration” of CDI and RDI, also presenting document for paid state fee under art. 10, para 4 of Tariff No 4 for the fees collected by the Ministry of Interior.

(2) The fees under para 1 shall be considered and settled within 7 work days and the decision shall be announced to the foreigner in writing.

(3) For issuance of the permit under para 1 a state fee shall be paid according to art. 10, para 2 of Tariff No 4 for the fees collected by the Ministry of Interior according to the law for the state fees. Not paying this fee shall be grounds for termination of the procedure.

(4) When state fees for extension of the term of stay are not due according to an international agreement party to which is the Republic of Bulgaria or according to an act of the Council of Ministers the extension of the term of stay shall be enacted from the date of expiration of the last permit for stay of the foreigner in the country. If the application is filed after the term under art. 12, para 1 the extension shall be enacted from the date of the issued permit.

(5) For permitted stay the foreigner shall be obliged to present his document for overseas travelling at the office for administrative control of foreigners for stamping the extended period.

Art. 29. (1) The documents for permitting permanent stay of a foreigner in the Republic of Bulgaria shall be

filed at the offices for administrative control of the foreigners in CDI and RDI not later than 60 days before the expiration of the permit for stay.

(2) Documents for permanent stay shall also be filed through the diplomatic or consular representations of the Republic of Bulgaria in the country where the foreigner has permanent residence.

(3) (amend., SG 15/04) The offices under para 1 and 2 shall send the documents of the foreigners for consideration and settlement by the director of directorate "Migration".

Art. 33. (1) For underage or minor foreigner who is a descendant of a Bulgarian citizen or of a foreigner permanently staying in the country and who is not married, filed besides the documents under art. 30 shall be:

1. official birth certificate;
2. documents containing proof of the citizenship of the candidate and of his parents;
3. certificate issued by the offices for administrative control of the foreigners, for permitted permanent stay of one of the two foreign parents.

(2) The documents under para 1 shall be filed in the presence of the two parents. In the absence of one of the parents a notary certified declaration shall be presented for his consent. If both parents are absent the documents shall be filed by a person authorised by them upon presentation of an explicit notary certified letter of attorney.

Art. 37a. (new, SG 15/04) In the cases of refusal to extend the term of stay in the country by a foreigner the bodies of directorate "Migration" of MI shall issue an individual administrative act.

Art. 38a. (new, SG 15/04) In the presence of data or doubt of contracted marriage for the purpose of evading the norms of LFRB the bodies of directorate "Migration" of MI shall hold interviews with the spouses, shall require declarations from them, shall check up the permanent or present address or place of work and shall gather information from neighbours, close friends and from the bodies of the municipal administration. The gathered documents from the check up shall be enclosed to the administrative file.

Art. 38b. (new, SG 15/04) (1) Along with the rest of the documents for issuance of permit for permanent stay the foreigner shall also present a document for a degree of education under the programmes for studying Bulgarian language according to art. 26a of LFRB or a document issued by authorized educational institution stating that he has command of Bulgarian language.

(2) The requirements under para 1 shall not regard foreigners of Bulgarian nationality applying for obtaining permit for permanent stay pursuant to art. 25, item 1 of LFRB.

Art. 39. (1) To a foreigner who has a permit for a long-term stay shall be issued identification documents under the conditions and by the order of the Law for the Bulgarian identification documents.

(2) When issuing Bulgarian identification document the offices for administrative control of the foreigners shall register in the national documents for overseas travelling of the foreigner by a stamp or a sticker the permitted long-term stay.

(3) (new, SG 15/04) In the cases of art. 28a of LFRB the foreigner shall file an application for issuance of permit for stay through his representative to the bodies of directorate "Migration" of MI where he has settled. Attached to the application shall be a document from the State Agency for protection of the child certifying the accommodation of the foreigner until the accomplishment of age in the specialized establishments of the Ministry of health, the Ministry of Education and Science and the Ministry of Labour and Social Policy.

## Section IV.

### Leaving the Republic of Bulgaria by foreigners

Art. 44. (suppl., SG 15/04) When leaving the Republic of Bulgaria the bodies of border control shall register by a stamp in the document for overseas travelling of the foreigner the BCC and the date of leaving the country, unless otherwise stipulated by an act of the Council of Ministers or by an international agreement party to which is the Republic of Bulgaria.

## Section V.

### Compulsory administrative measures

Art. 46. (amend., SG 15/04) (1) When a foreigner has been divested of or refused the right of stay in the Republic of Bulgaria or a procedure was concluded for providing special protection according to the Law for the asylum and refugees a stamp of the bodies of directorate "Migration" of MI shall be affixed in the document for traveling abroad, indicating the term of leaving the Republic of Bulgaria.

(2) When an order is issued regarding the foreigner for compulsory administrative measures under art. 41 or 42 of LFRB the document for traveling abroad shall be affixed by a stamp of the bodies of directorate "Migration" of MI for the imposed compulsory administrative measure.

Art. 49. (1) (amend., SG 15/04) A foreigner can be accommodated by compulsion in special homes until his taking out of the country in the cases under art. 44, para 6 of LFRB, which shall explicitly be indicated in the order for his compulsory escorting to the border or for expulsion.

(2) The conditions and the order of compulsory accommodation and of releasing foreigners from the special homes until the fulfilment of the orders under art. 41 and 42 of LFRB shall be determined by the Minister of Interior.

Art. 52. (new, SG 15/04) (1) When a foreigner with imposed compulsory administrative measure under art. 41 or 42 of LFRB has no document for traveling abroad the bodies of directorate "Migration" of MI shall provide him with such a document through the respective diplomatic or consular representation of the country whose citizen the foreigner is, and where impossible - through directorate "Consular relations" of the Ministry of Foreign Affairs.

(2) The bodies of directorate "Migration" of MI shall provide the tickets for travel for expelling the foreigner by an issued order under art. 41 or 42 of LFRB.

(3) In fulfillment of the compulsory administrative measures under art. 41 or 42 of LFRP regarding a foreigner posing a serious danger for the public order, security, life and health of other persons the foreigner shall be escorted by employees of directorate "Migration" of MI.

(4) In escorting and delivering the foreigner subject to compulsory taking and expulsion from the country shall be observed the measures of security and guarding and shall apply auxiliary devices by the order of art. 78 of the Law for the Ministry of Interior.

Art. 53. (new, SG 15/04) (1) In compulsory taking or expulsion to the border of a foreigner the employees of directorate "Migration" of MI shall submit to the officer on duty or to the chief of the shift of the border passport control at the border control checkpoint the document for traveling abroad of the foreigner, the tickets for travel, a copy of the order for imposed compulsory administrative measure and a delivery and acceptance record in duplicate. The record shall be signed by the delivering and accepting employees who will keep of copy each of it.

(2) In the cases under para 1 the data for the foreigner shall be registered in the respective informational funds of MI.

## Additional provisions

§ 1. In the context of the regulations:

1. "Proof of provided support during the stay in the country of the foreigner" are official documents certifying the presence of financial resources, securities, movable and real property on the territory of the Republic of Bulgaria.

2. "Proof of provided home" are documents for the presence of ownership or rental.

3. (amend., SG 15/04) "Stay without interruption" is present when the foreigner stays on legal grounds – by a visa, by virtue of international agreements or on the grounds of an act of the Council of Ministers for non-visa or relieved visa regime or after a permit by the bodies of directorate "Migration" of MI, if the permits have been issued consecutively, without interruptions between them. Not considered interruption shall be the time of up to 7 days during which pressing reasons existed, having placed the foreigner in no position to file documents for issuance of permit for a long-term stay, and has not left the territory of the Republic of Bulgaria.

4. "Special homes" are specialised establishments at the Ministry of Interior for temporary accommodation of foreigners regarding whom the compulsory administrative measures under art. 41 and 42 of LFRB have been imposed.

Transitional and concluding provisions

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