



REPUBLIC OF BULGARIA COUNCIL OF MINISTERS

DECREE No. 267 of 30 December 1992

on the Terms and Procedures for Issuing Work Permits to Foreigners in the Republic of Bulgaria

Promulgated State Gazette No 4/15.01.1993 Amended SG No. 56/1994 & 43/1996

THE COUNCIL OF MINISTERS HAS DECREED:

Sole Article

Hereby adopts a Regulation on the Terms and Procedures for Issuing Work Permits to Foreigners in the Republic of Bulgaria according to the Annex.

CONCLUDING PROVISIONS

§ 1. This Decree is adopted pursuant to Article 38a, paragraph 2 of the Transitional and Concluding Provisions of the Residence of Foreigners in the Republic of Bulgaria Act (Promulgated *State Gazette* No. 93/1972, amend. No. 36/1979, No. 17/1987 No. 53/1989, No. 27/1994).

§ 2. This Decree shall enter into force after the Amendment Act to the Residence of Foreigners in the Republic of Bulgaria Act enters in force.

Chairman of the Council of Ministers: Philip Dimitrov

Chief Secretary of the Council of Ministers: Konstantin Muhovski

REGULATION on the Terms and Procedures for Issuing Work Permits to Foreigners in the Republic of Bulgaria

Article 1

This Regulation shall set forth the terms and procedures for issuing work permits to foreigners engaged on contract to work in the Republic of Bulgaria.

Article 2

(1) The work permit is an official document allowing the foreigner to work in the Republic of Bulgaria for a fixed period of time, in a concrete job, in a concrete position, under a concrete employer and in a concrete community.

(2) (New, SG No. 43/1996) A permit under para 1 shall be issued for work, requiring specialized knowledge and skills, equivalent in the Republic of Bulgaria to a specialized secondary or higher education, as well as professional experience that is not below the number of years, needed for acquiring the respective level of education.

Article 3

(1) Work permits shall be issued by the Ministry of Labour and Social Welfare in the form shown in the Annex.

(2) The work permits in the territory of the Republic of Bulgaria shall be issued only upon an application by an employer (principal).

(3) (New, SG No. 43/1996) Hiring of a foreigner for work by an employer pursuant to the Labour Code of the Republic of Bulgaria shall be made after the work permit has been issued and solely under a labour contract and a full-time working schedule.

(4) (New, SG No. 43/1996) Acceptance for work of a foreigner by a legal or physical person (principal) registered under the Bulgarian legislation, under an inter-company contract with a foreign legal person which is an employer to the foreigner, may solely occur after the issue of the work permit.

Article 4

(Amended, SG No. 43/1996) A work permit to a foreigner may be issued whenever:

1. (New, SG No. 43/1996) the labour market does not offer a qualified local person for the respective job and there is no applicant of Bulgarian citizenship, desiring to receive training within the country or abroad;
2. (New, SG No. 43/1996) the number of foreigners working for a single employer does not exceed 10 per cent of the average number of staff on the payroll for the preceding 12 months, comprising Bulgarian citizens employed under basic labour contracts and foreigners given the same rights as theirs;
3. (New, SG No. 43/1996) the employer has announced to the Bureau of Labour in whose territory the work place is and in at least one central and local mass media outlet a demand for the respective workforce one month prior to the filing of the application for a work permit;
4. (New, SG No. 43/1996) the employer has identified by name a Bulgarian citizen working for him, who would receive training from the foreigner to do the same work;
5. (New, SG No. 43/1996) the results of the medical tests do not indicate presence of a contagious or parasitic disease, organic disease, drug addiction, pregnancy or lactation and others, serving as grounds for labour disability of the foreigner for the length of the labour contract;
6. (New, SG No. 43/1996) In the case under Art. 3 para 3 the foreigner shall be of an active age according to the Labour Code of the Republic of Bulgaria.

(New, SG No. 43/1996) Apart from the terms under para 1 items 1, 3 and 4 a work permit may be issued to:

1. foreigners whose employment in the country's territory derives from the execution of international treaties of the Republic of Bulgaria;
2. scientists and activists in the cultural area of international renown;
3. top management of companies, established by foreign legal persons in the territory of the Republic of Bulgaria;
4. specialists of foreign companies in connection with a contractual installation, commissioning and repair of foreign equipment;
5. specialists, dispatched for establishing the quality of contractual products, manufactured with materials of the customer;
6. persons, applying for a refugee status - for employment up to 3 months, by proposal of the National Bureau of Territorial Asylum and Refugees provided there is a procedure on the recognition of the refugee status going on for more than 3 months.

(New, SG No. 43/1996) The Minister of Labour and Social Welfare may permit, at the existence of a proven expediency, the issue of work permits for individual cases, apart from the restrictions of para 1 it. 2.

(New, SG No. 43/1996) Hiring of over 10 foreigners simultaneously under the terms of para 1 it. 2 and in all cases under Art. 3 para 4 shall require the consent of the Minister of Labour and Social Welfare. He shall consult the competent ministries, departments, creative unions, labour organizations and local administrative bodies where necessary.

(New, SG No. 43/1996) Where the principal has concluded an inter-company contract envisaging work of foreigners in the Republic of Bulgaria without co-ordination with the Ministry of Labour and Social Welfare, working permits may be issued depending on the condition of the domestic labour market.

(New, SG No. 43/1996) A work permit is not requisite for:

1. persons with a permit for permanent residence in the country, such as have been granted the right to asylum or have had their refugee status recognized;
2. correspondents of foreign media who are officially accredited to the Ministry of Foreign Affairs of the Republic of Bulgaria;
3. crew-members of Bulgarian ships;
4. persons having registered an economic or another activity in the country in observance of the current legislation, where for their involvement in the activity registered by them they do not receive remuneration either in cash or in kind;

5. foreign experts, residing in the country by force of intergovernmental treaties for rendering of legal, financial, expert and other types of assistance to Bulgarian state institutions, to whom they are not bound under the labour law;
6. managers of commercial associations, foundations and partnerships, registered under the established legal procedure and carrying out an activity in the country's territory;
7. the head of a trade agency or of a foreign company's branch;
8. students at foreign higher institutes for an employment up to 6 months in connection with the carrying out of internship, inherently related to the subject of their studies, where the exchange is part of an international exchange programme, effected by a youth or a students' organization and has been preliminarily agreed with the Ministry of Labour and Social Welfare regarding the number and specific work positions of the foreign students;
9. students and pupils at foreign higher institutes and professional schools for a vacation employment up to 3 months within one calendar year under an international exchange, accomplished through the mediatorship of the National Department of Employment;
10. persons, who, while maintaining their customary residence abroad, render active participation in scientific, cultural or sports events of national significance, provided their employment in the Republic of Bulgaria does not exceed 3 months;
11. persons who, while preserving their customary residence abroad, have been commissioned to the Republic of Bulgaria by their foreign employer for a term of 3 months to:
 - a) perform an installation and warranty repair of machines and equipment shipped from abroad;
 - b) give training on the maintenance or accept equipment, machines or other articles for which there has been an order;
 - c) attend a course within the scope of an export delivery contract or of a license contract;
12. clergymen for the religious activities they exercise, in case such have a permit from the Directorate on Ecclesiastical Matters to the Council of Ministers.

Article 5

- (1) (Former single para, amended, SG No. 43/1996) The work permit shall be issued for the period for which the foreigner is offered a contract to work but for not more than one year.
- (2) (New, SG No. 43/1996) Where the foreigner resides in the Republic of Bulgaria on other legal grounds, the work permit may not exceed his permitted term of residence.

Article 6

- (1) (Amended, SG No. 43/1996) The work permit may be extended for a term of 12 months, provided the prerequisites for the initial issuing of the permit are present and there is no interruption in the employment and residence in the country. The overall duration of the permit and its extensions may be of 3 years at the most. For lecturers the time of a stay abroad up to 3 months, related to the ceasing of the educational process at the secondary and higher schools between 2 school years shall not be considered as an interruption.
- (2) (Amended, SG No. 43/1996) A foreigner may obtain a new work permit for the same or for another work position after the expiration of a term, equal to the term of validity of the previous work permit, including extensions thereof.
- (3) (New, SG No. 43/1996) The work permit shall be nullified after the expiration of the labour or inter-company contract.
- (4) (New, SG No. 43/1996) At the initial issuing of a work permit a foreigner without a permit for temporary residence in the Republic of Bulgaria on any other legal grounds, should reside outside the country's territory until receipt of the work permit.
- (5) (New, SG No. 43/1996) Apart from the restrictions under para 4 a work permit may be issued to the members of the family of a foreigner (husband, wife, offspring, living in a common household), who is temporarily residing on other grounds, provided such have been residing in the country for at least 24 months prior to the date of submission to the Bureau of Labour of the application for a work permit.

Article 7

- (1) (Amended, SG No. 43/1996) A work permit may be revoked by decision of the manager of the National Department of

Employment in the following cases:

1. (New, SG No. 43/1996) when it is ascertained that false information has been presented for the issue of the permit;
2. (New, SG No. 43/1996) when after the permit's issue there arise any of the circumstances, described in Art. 4 para 1 it. 5;
3. (New, SG No. 43/1996) upon termination of the labour or education contract ahead of schedule;
4. (New, SG No. 43/1996) upon premature termination of the work permit of the foreigner in the country under the Residence of Foreigners in the Republic of Bulgaria Act.

(2) (New, SG No. 43/1996) The bodies of the Ministry of Interior shall be informed on the termination of the work permit.

Article 8

(1) (Amended, SG No. 43/1996) To obtain a work permit the employer shall submit to the respective Bureau of Labour on the territory of which the foreigner's future working place is situated the following documents:

1. an inquiry form in two copies after a specimen, approved by the Minister of Labour and Social Welfare;
2. an argumentation of the application;
3. four photos of the foreigner;
4. copies of the Court Decision and/or registration in the Bulgarian Chamber of Commerce and Industry or another document, legitimizing the employer, certified pursuant to the established order;
5. a copy of the tax registration certificate of the employer;
6. documents verifying the educational status, the specialty, right to practicing of the specified profession and/or professional qualification, skill and length of practice of the foreigner in compliance with the objective requirements of the job, which should be legalized pursuant to the established procedure, with the exception of cases subject to international treaties of the Republic of Bulgaria;
7. ; an inquiry form of the employer on the foreigners working for him, separately indicating the names as cited in the passport, the birth date and citizenship of:
 - a) persons employed under a labour contract, with an indication of the number, date of issue and term of the work permit;
 - b) persons, authorized to represent the company and those working under a contract for management or control, with an indication of the number and date of the Court Registration for their entry by name; number and term of their permit for temporary residence in the country;
8. an inquiry form on the average number of staff on the payroll and on the installments made by the employer to the State Public Assurance and to the "Professional Qualification and Unemployment" Fund for the preceding 12 months, signed by the employer, the chief accountant and a bank inspector;
9. two copies of the labour contract drawn up according to the requirements of the Bulgarian legislation, and specifying among other things the obligations of the parties regarding the costs for accommodation, medical treatment, insurance, transportation to and from the country of which the foreigner is a permanent resident;
10. a medical certificate drawn up according to a specimen, approved by the Minister of Health;
11. other documents in accordance to the normative order, associated with the specificity of the work position.

(2) Apart from the documents under para 1, items 2, 4, 5, 7 and 8, the principal shall also submit to the Ministry of Labour and Social Welfare:

1. a copy of the inter-company contract with a foreign legal person, motivating the acceptance of foreigners to work, certified by the parties to the contract;
2. a document, legitimizing the foreign employer who is a party to the inter-company contract, legalized under the relevant procedure;

3. a list of the foreigners, containing their three names, birth date, citizenship, specialty, professional qualification, place and term of work.

(3) Individual work permits under Art. 4 para 4 shall be issued to any of the persons within the scope and term, specified in the consent of the Minister of Labour and Social Welfare, after submission to the Bureau of Labour of the documents under para 1 by the principal or direct employer, when the latter has a commercial establishment in the territory of the Republic of Bulgaria. Instead of a labour contract there shall be enclosed the written attestation of the foreign employer on the commissioning of the person to work in the Republic of Bulgaria in connection with the execution of the inter-company contract at a guaranteed labour remuneration, social security and medical insurance, legalized according to the relevant procedure.

(4) Where the work is rendered in different communities the documents may be submitted to the Bureau of Labour, in whose territory is situated the residence of the principal or direct employer, commercially established in the Republic of Bulgaria, if that has been explicitly stated in the preliminary consent of the Minister of Labour and Social Welfare.

(5) The National Department of Employment may perform examinations to ascertain the authenticity of the indicated data, or to require the presentation of additional documents for their authentication.

Article 9

(1) (Amended, SG No. 43/1996) The Bureau of Labour shall pass a decision on the application. In case of a positive decision it shall forward the documents to the Regional Department of Employment, and in case of a denial it shall notify the applicant in writing.

(2) (Amended, SG No. 43/1996) The Regional Bureau of Labour shall pass a decision on the application. In case of a positive decision it shall forward the documents to the head office of the National Department of Employment, and in case of a denial it shall notify the applicant in writing,

(3) (Amended, SG No. 43/1996) The head of the National Department of Employment shall take a decision on the issuing of a work permit or on its refusal, and shall duly notify the applicant in writing.

(4) (Amended, SG No. 43/1996) The refusal of the Bureau of Labour and of the Regional Department of Employment may be appealed within one week of its receipt before the head of the National Department of Employment, whose decision shall be final.

(5) (Amended, SG No. 43/1996) In case of a confirmed refusal under the procedure of para 4, a new application for the same person may be made if the circumstances have changed considerably.

(6) The issue or extension of a work permit to a foreigner may be refused where:

1. the requirements of this Regulation have not been met;

2. the conditions of labour and remuneration are less favourable than those for the comparable Bulgarian worker or where the proposed remuneration, announced before the Bureau of Labour under the procedure of Art. 4 para 1 it. 3 is lower than the amount, negotiated with the foreigner;

3. the foreigner has worked illegally in the Republic of Bulgaria during a previous 5-year period, which has been ascertained under the relevant procedure by the control bodies of the National Department of Employment;

4. the employer (principal) has been sanctioned during a previous 2-year period by the control bodies of the National Department of Employment for the use of a foreigner's labour without a work permit under the procedure of Art. 37a of the Residence of Foreigners in the Republic of Bulgaria Act;

5. over the past 8 months the employer has dismissed from work Bulgarian staff that could have been hired for the work positions, for which the hiring of a foreigner is being applied for;

6. a revoked or an expired work permit has not been handed back despite the request of the National Department of Employment;

7. the foreigner has been denied entry to the country or has been deprived of his right of residence under the procedure of the Residence of Foreigners in the Republic of Bulgaria Act.

Article 10

(1) (Amended, SG No. 43/1996) At each issue of a work permit, at its extension and re-issue due to the loss or damage of the document, the employer (principal) shall pay a fee amounting to three minimal monthly salaries established for the country at

the moment of issue of the respective document. The sum shall be deposited in one payment in the Professional Qualification and Unemployment Fund.

(2) Copies of the issued work permit shall be sent to the Ministry of Internal Affairs, the Ministry of Foreign Affairs and the respective Bureau of Labour.

(3) The National Department of Employment shall maintain a register of the issued work permits.

Article 11

(1) An employer (principal) who hires foreigners without a work permit shall be penalized with a fine under the terms and rates established by Article 37a of the Residence of Foreigners in the Republic of Bulgaria Act (Promulgated *State Gazette* No. 93/1972, amend. No. 36/1979, No. 17/1987 No. 53/1989 and No. 27/1994).

(2) The statements under Art. 37a of the Residence of Foreigners in the Republic of Bulgaria Act shall be drawn up by the specialized control bodies of the National Department of Employment.

(3) The Ministry of Labour and Social Welfare shall make a proposal to the Ministry of the Interior to revoke the residence permit of a foreigner who is working without possessing a work permit.

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 1. The Regulation shall be also applied to foreigners temporarily residing in the Republic of Bulgaria in the cases provided for in Art. 19, para 4 of the Residence of Foreigners in the Republic of Bulgaria Act.

§ 2 Employers (principals) who have hired foreigners shall supply them with work permits within four months from the entry into force of this Regulation.

§ 3. The implementation of this Regulation is assigned to the Minister of Labour and Social Welfare who shall issue instructions on its application.