

Foreigners in the Republic of Bulgaria Act

Promulgated, State Gazette No. 153/23.12.1998, amended, SG No. 70/6.08.1999, effective 1.01.2000, amended and supplemented, SG No. 42/27.04.2001, effective 27.04.2001, SG No. 112/29.12.2001, effective 1.01.2002, amended, SG No. 45/30.04.2002, effective 30.04.2002, SG No. 54/31.05.2002, effective 1.12.2002, amended and supplemented, SG No. 37/22.04.2003, SG No. 103/25.11.2003, effective 26.02.2004, amended, SG No. 37/4.05.2004, effective 4.08.2004, SG No. 70/10.08.2004, effective 1.01.2005, amended and supplemented, SG No. 11/1.02.2005, SG No. 63/2.08.2005, amended, SG No. 88/4.11.2005, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 82/10.10.2006, SG No. 11/2.02.2007, amended and supplemented, SG No. 29/6.04.2007, SG No. 52/29.06.2007, supplemented, SG No. 63/3.08.2007, amended and supplemented, SG No. 109/20.12.2007, effective 1.01.2008, supplemented, SG No. 13/8.02.2008, effective 8.02.2008, amended, SG No. 26/7.03.2008, supplemented, SG No. 28/14.03.2008, amended, SG No. 69/5.08.2008, SG No. 12/13.02.2009, effective 1.01.2010 - amended, SG No. 32/28.04.2009, amended and supplemented, SG No. 36/15.05.2009, amended, SG No. 74/15.09.2009, effective 15.09.2009, SG No. 82/16.10.2009, SG No. 93/24.11.2009, effective 25.12.2009, amended and supplemented, SG No. 103/29.12.2009, supplemented, SG No. 73/2010, effective 17.09.2010, amended and supplemented, SG No. 9/28.01.2011, SG No. 43/7.06.2011, effective 15.06.2011, SG No. 21/13.03.2012, amended, SG No. 44/12.06.2012, effective 1.07.2012, amended and supplemented, SG No. 16/19.02.2013, SG No. 23/8.03.2013, amended, SG No. 52/14.06.2013, effective 14.06.2013, SG No. 68/2.08.2013, effective 2.08.2013, amended and supplemented, SG No. 70/9.08.2013, SG No. 108/17.12.2013, amended, SG No. 53/27.06.2014, amended and supplemented, SG No. 14/20.02.2015, amended, SG No. 79/13.10.2015, effective 1.08.2016, amended and supplemented, SG No. 80/16.10.2015, effective 16.10.2015, amended, SG No. 15/23.02.2016

Text in Bulgarian: Закон за чужденците в Република България

Chapter One

GENERAL PROVISIONS

Article 1

(Amended, SG No. 29/2007)

(1) This Act shall establish the terms and the procedure according to which foreigners may enter, reside in and leave the Republic of Bulgaria, as well as the rights and obligations thereof.

(2) This act shall apply also in respect of members of the families of Bulgarian citizens who are not citizens of European Union Member States or of a state - party to the European Economic Area Agreement, or of the Swiss Confederation.

(3) The terms and procedures under which the citizens of other European Union members-states and the members of their families as well as citizens of European Union Member States or of a state - party to the European Economic Area Agreement, and of the Swiss Confederation and the members of their families shall enter, reside in and leave the Republic of Bulgaria shall be specified in the European Union Citizens and Members of Their Families Entry and Residence in and Departure from the Republic of Bulgaria Act.

Article 2

(Amended, SG No. 42/2001, SG No. 29/2007)

(1) (Amended, SG No. 36/2009) A foreigner, within the meaning given by this Act, shall be any person who is not a Bulgarian citizen.

(2) (New, SG No. 9/2011) Any person who is not a citizen of any state in accordance with the law thereof shall also be a foreigner.

(3) (New, SG No. 9/2011) Within the meaning of this Act, members of the family of a foreigner shall be:

1. spouses
2. children of the foreigner and of his/her spouse, including adopted ones, who are aged under 18 and are not married
3. children of the foreigner, including adopted ones, who are aged under 18 and are not married, where the parental rights are vested in the foreigner and the children are dependent on him/her
4. children of the foreigner's spouse, including adopted ones, who are aged under 18 and are not married, where the parental rights are vested in the spouse and the children are dependent on him/her

(4) (New, SG No. 9/2011, amended and supplemented, SG No. 23/2013) Unmarried children of the foreigner or of his/her spouse aged 18 or more shall also count as family members where serious health problems require personal care for them or for such reasons they are objectively incapable of providing for themselves.

(5) (New, SG No. 9/2011) Where the foreigner already has a spouse wherewith he/she lives in the territory of the Republic of Bulgaria, family reunification with another spouse shall not be allowed.

(6) (Renumbered from Paragraph 2, SG No. 9/2011, amended, SG No. 23/2013) Members of the family of a Bulgarian citizen shall be the persons living together with him/her in the same household and are.

1. spouse;
2. descendants, including when they are descendants only of the person under item 1, who have become 21 years of age and have not contracted a marriage;
3. descendants, including when they are descendants only of the person under item 1, who have become 21 years of age but have no personal income due to the fact that they are not capable to provide for themselves or because serious health problems require the Bulgarian citizen to care for them personally;
4. (amended, SG No. 9/2011) ascendants who are dependent on the Bulgarian citizen or on the person under item 1;
5. (amended, SG No. 23/2013) other members of his/her household who have been entirely dependent on him/her in the state of origin or in the state of usual residence or serious health problems require the Bulgarian citizen to care for them personally.

Article 3

(1) Foreigners in the Republic of Bulgaria shall have any and all rights and obligations under the laws of Bulgaria and all ratified international treaties to which the Republic of Bulgaria is a signatory, excepting those rights and obligations expressly requiring Bulgarian citizenship.

(2) (Amended, SG No. 29/2007) In relation to foreigners accredited as members of foreign diplomatic and consular missions as well as of offices of international organisations in the Republic of Bulgaria enjoying immunities and privileges the universally accepted norms of international diplomatic and consular law and the international agreements to which the Republic of Bulgaria is a party shall apply.

Article 4

Foreigners staying in the Republic of Bulgaria shall be obliged to abide by the laws and the established legal order, to be loyal to the Bulgarian state and to not derogate from the prestige and dignity of the Bulgarian nation.

Article 5

(Repealed, SG No. 29/2007).

Article 6

Foreigners staying in the Republic of Bulgaria shall be amenable to the same civil, administrative and criminal laws as Bulgarian citizens, inasmuch as a special law or an international convention whereto the Republic of Bulgaria is a signatory do not provide otherwise.

Article 7

(Amended, SG No. 54/2002, SG No. 23/2013, SG No. 80/2015, effective 16.10.2015)

The conditions and procedure to grant protection to foreigners on the territory of the Republic of Bulgaria shall be regulated by a special law.

Chapter Two

ENTRY AND AIR TRANSIT

(Title amended, SG No. 29/2007)

Article 8

(Supplemented, SG No. 42/2001, SG No. 37/2003, amended, SG No. 88/2005, SG No. 29/2007)

(1) A foreigner may enter the Republic of Bulgaria if he or she holds a regular travel document or another substitute document issued, as well as a visa if required.

(2) (Supplemented, SG No. 9/2011) No visas shall be required where this is foreseen in Regulation (EC) No. 539/2001 of the Council, in other binding EU acts, in an international agreement whereto the Republic of Bulgaria is a party or in an act of the Council of Ministers.

(3) (Amended, SG No. 9/2011) No visa shall be required when the foreigner holds a valid prolonged-stay, long-term or permanent residence permit for the Republic of Bulgaria either.

(4) (New, SG No. 9/2011) After a family reunification application has been accepted and approved, the family members shall be issued visas in accordance with a relaxed procedure subject to terms and conditions specified in an act by the Council of Ministers.

Article 8a

(New, SG No. 29/2007)

(1) A foreigner who is a member of the family of a Bulgarian citizen may enter the territory of the Republic of Bulgaria with a passport and a visa, if required. The visa shall be issued under terms and procedures specified by the Council of Ministers without paying any charges for processing the documents and issuing the visa.

(2) No visa shall be required when a foreigner who is a member of the family of a Bulgarian citizen holds a residence card of a member of the family of a European Union citizen issued in:

1. the Republic of Bulgaria if the grounds for its issuing have not become defunct;
2. another European Union Member State if he/she accompanies or joins the Bulgarian citizen.

(3) When a member of the family of a Bulgarian citizen refers to this capacity of his/her on entering the territory of the Republic of Bulgaria but does not produce a document pursuant to paragraph 2 the border control authorities shall provide to him/her reasonable time to obtain it or to ascertain with other documents that he/she is a member of the family of a Bulgarian citizen.

(4) In the cases under paragraph 3 the border control authorities shall conduct a detailed verification of the personal particulars and shall not allow entrance to a person who has not produced a document pursuant to paragraph 2 or has failed to duly ascertain with other documents that he/she is a member of the family of a Bulgarian citizen. The refusal to allow entry to a person in the Republic of Bulgaria shall be substantiated and shall be subject to contestation under the procedure of the Administrative Procedure Code.

Article 9

(Amended, SG No. 42/2001, amended and supplemented, SG No. 37/2003, amended, SG No. 29/2007, SG No. 9/2011).

A visa is an entry, residence, transit or airport transit permit issued by the Republic of Bulgaria.

Article 9a

(New, SG No. 29/2007)

- (1) The type of visa shall be determined by the purpose for which it is issued.
- (2) The types of visas shall be:
 1. air transit visa (type "A" visa);
 2. (repealed, SG No. 9/2011);
 3. short-stay visa (type "C" visa);
 4. long-term residence visa (type "D" visa);
- (3) (Supplemented SG No. 103/2009, repealed, SG No. 9/2011).
- (4) (Repealed, SG No. 9/2011).
- (5) (New, SG No. 103/2009, repealed, SG No. 9/2011).

Article 9b

(New, SG No. 29/2007)

- (1) The visa shall be issued in the form a uniform visa sticker according to a European Union sample and shall be valid only with the standard travel document or another substituting document in which or with which it is placed.
- (2) The information included in the visa sticker cannot be changed.

Article 9c

(New, SG No. 29/2007)

- (1) The visa sticker shall be placed in a standard passport or another travel document recognised by the Republic of Bulgaria.
- (2) When a foreigner holds a standard travel document or another substituting document which is not recognised by the Republic of Bulgaria the visa sticker shall be placed on a uniform visa form according to a European Union sample approved by the Council of Ministers.
- (3) (Amended, SG No. 93/2009, effective 25.12.2009, supplemented, SG No. 23/2013) The Ministry of Interior shall, in coordination with the Ministry of Foreign Affairs and the Ministry of Transport, Information Technology and Communications, maintain and update a list of travel documents issued by states, international organisations and other subjects of international public law in which a visa sticker may be placed and which entitle the foreigner to enter the territory of the Republic of Bulgaria. The conditions and procedure to coordinate the national position of the Republic of Bulgaria regarding the recognition or non-recognition of travel documents shall be regulated by an act of the Council of Ministers.
- (4) The terms and conditions for printing, placing, cancelling, keeping and destroying the visa stickers and the visa placement forms shall be specified with an act of the Council of Ministers.

Article 9d

(New, SG No. 29/2007)

- (1) (Amended, SG No. 23/2013) Issuing, refusal, annulment and revocation of visas shall be performed by the diplomatic and consular missions of the Republic of Bulgaria abroad and by border control authorities, while annulment and revocation can also be performed by the authorities responsible for the administrative control of foreigners.
- (2) (New, SG No. 23/2013, to be applied after the entry into force of the decision of the Council of the European Union on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria) Issuing, refusal, annulment and revocation of airport transit visas, short-stay visas or visas issued by the border control authorities shall be performed in