

FOREIGN NATIONALS LEGAL STATUS

I

I.1. Legislative framework and general rules

The legal status of foreign nationals in Bulgaria is governed by the Constitution of the Republic of Bulgaria, the Foreign Nationals Act (effective 1998), the Regulation on the Application of the Foreign Nationals Act and the Ordinance on Issuing Visas. Generally, the Bulgarian legislation concerning foreign citizens is in compliance with the EU acquis communitarian related to immigration policy.

The Constitution of the Republic of Bulgaria provides for foreign nationals in Bulgaria to have all the rights and obligations accorded under Bulgarian law and international agreements ratified by Bulgaria, except in respect to those rights and obligations, for which Bulgarian citizenship is required.

Under Bulgarian law foreign nationals are restricted in the exercise of the following rights:

- Ownership rights – foreign citizens do not have the right to acquire ownership over land except through legal inheritance. If land is acquired through this method then it should be transferred to Bulgarian individuals or legal entities within three years;

- Professional rights – foreign nationals cannot be employed as state servants, customs officers or as officers at the Bulgarian Ministry of Internal Affairs, the Patent Office, the Electronic Media Council, etc. A foreign citizen also cannot work as a lawyer or as a notary;

- Political rights – foreign nationals cannot be candidates for positions such as mayors, municipal advisors, members of parliament, president. They also cannot participate in elections or local and national referendums as voters.

There is a general rule that foreign nationals are obliged to observe Bulgarian laws and the established legal order, that they should be loyal to the Bulgarian state and not derogate the prestige and dignity of the Bulgarian people. In this respect, foreign citizens residing in Bulgaria bear the same civil, administrative and criminal responsibilities as Bulgarian citizens, unless otherwise provided for under a special law or in an international agreement to which the Republic of Bulgaria is a party.

All foreign nationals are obliged to register with the respective local police station within 48 hours from entering Bulgaria, except when they reside in a hotel.

I.2. General Review

I.2.1. Entry of Foreign Nationals to Bulgaria

Foreign nationals who wish to enter and stay in

Bulgaria must obtain a visa, unless they are subject to visa-waiver agreements.

I.2.2. Visas

A visa is a clearance for entry and/or stay on the territory of the Republic of Bulgaria for a certain period of time. A valid visa is not a guarantee of entry into Bulgaria. The border control officers will determine whether the foreign national meets the requirements for admission. If there has been a change in the circumstances between the date of the application and arrival, or if subsequent information is given which was not originally available to the visa office, then the foreign national may be refused entry. The Foreign Nationals Act provides for the following main visa categories: transit visa, short-stay visa and long-stay visa. A transit visa is required for travel through Bulgaria to another country within 24 hours. A short-stay visa allows a foreign citizen single or multiple entries into Bulgaria for up to 90 days within a period of six months.

A long-stay visa allows a foreign national to enter into Bulgaria and thereafter to apply for a long-term or permanent residence permit. The validity of the long stay visa is 6 (six) months and it allows its holder of stay up to 90 days.

All visa applications are to be submitted to the respective Bulgarian diplomatic missions and consular departments around the world. In exceptional cases (e.g. in the state's interest, in extraordinary circumstances or for humanitarian reasons) border control officers, after coordination with the Foreign Nationals Administrative Control Office ("FNACO"), can issue transit visas or short-term visas for up to 10 days.

I.2.3. Visa exemption rules

Citizens of some countries can enter Bulgaria without obtaining visas. EU citizens (with the exception of the Republic of Ireland and the United Kingdom) do not need visas for a stay of up to 90 days within each period of six months. Citizens from Australia, New Zealand, Japan, Ireland, UK, Canada, USA, Switzerland, etc., are allowed to stay in Bulgaria without visas for up to 30 days within each period of six months.

The calculation of the period commences on the day of first arrival in Bulgaria as indicated in the foreign national's international passport.

I.2.4. Residence permits

Residence permits are issued to foreign nationals entering Bulgaria who intend to stay in the country longer than three months. For certain foreign nationals (e.g. citizens of Australia, New Zealand, Japan, Ireland, UK, Canada, USA, Switzerland, etc) that period is one month.

There are two types of residence permits:

- Long-term residence permits – up to one year, and

- Permanent residence permits – for an indefinite period of time.

The most common grounds for issuance of long-term residence permits are:

- A foreign national is a member of the management or supervisory bodies of a Bulgarian company
 - A foreign national is a trade representative of a company registered with the Bulgarian Chamber of Commerce and Industry ("BCCI")
 - A foreign national has been issued a work permit by the Bulgarian Employment Agency, and
 - A foreign national conducts business activities in Bulgaria and employs at least 10 Bulgarian nationals
- In order to apply for a residence permit the foreign national has to initially obtain a long-stay visa.

The common documents required for issuance of a long-term residence permit are as follows:

- (i) a valid international passport of the applicant;
- (ii) evidence that the applicant has been provided with a place to live during his/her stay in Bulgaria (e.g. rental contracts, etc.);
- (iii) the standard application form;
- (iv) evidence of payment of the relevant state fees,
- (v) evidence that the applicant has enough financial means to meet the costs of his/her stay in Bulgaria.

The application for obtaining a long-term residence permit must be filed before FNACO not later than 7 days prior to the expiration of the term of the long-stay visa (90 days). Applications are considered and reviewed within 7 working days of their submission and the decision of FNACO is then presented in writing to the applicant-foreign national. The long-term residence permit can be renewed if the grounds for its issuance still exist at the time of the renewal. It should be noted that an extension of long-term residence permit can be refused if it is established that the foreign citizen has not stayed on the territory of the Republic of Bulgaria for at least 6 months and one day during the preceding calendar year.

Once the foreign national has been granted a long-term residence permit, he/she may live, reside and travel in the Republic of Bulgaria as long as the permit is valid. The foreign national may freely choose and change his/her place of residence, or leave the country and enter it again.

Foreign nationals who have obtained a long-term residence permit have all the rights and obligations granted to or imposed on the Bulgarian citizens. For example, they can be employed by Bulgarian employers, receive social security compensations, health care insurance, etc. The long-term residence status of the foreign citizen is usually evidenced by the issuance of a Bulgarian ID card for foreign nationals.

I.3. Work permits

I.3.1. General rules

Foreign nationals may work in Bulgaria only after

obtaining a work permit, unless otherwise stipulated by the law. The grounds for obtaining a work permit are an employment contract, or a business trip to undertake certain activities. Work permits should be requested by the local employer and are issued by the Employment Agency. A number of legal terms and conditions must be met for the permit to be issued. Work permits are issued for a maximum duration of 1 year. If the terms and conditions for its issuance are still valid, the work permit may be renewed for an additional one-year term.

Foreign nationals on short-stay visas are not entitled to seek employment or apply for work permits in Bulgaria.

I.3.2. Foreign nationals who generally do not require a work permit in Bulgaria.

Outlined below is a list of the main categories of foreign nationals who may work in the country without the need to have a work permit: . Managers of companies or branches of foreign legal entities . Members of the Managing Board or Board of Directors of local companies, who are not employed on a labour contract . Trade representatives of foreign companies registered at the BCCI, and . Foreign nationals with permanent residence in Bulgaria

I.3.3. Foreign nationals who may work on short-term assignments without a work permit

Foreign nationals may also be engaged to perform short-term assignments without a work permit under the following conditions: . They are sent on a business trip to Bulgaria by their foreign employer . The assignment in Bulgaria is no longer than 3 months within a period of one year

The assignment encompasses any of the following:

- (i) the installation or the warranty repair of imported machinery and equipment;
 - (ii) training in the operating of equipment or the delivery of ordered equipment, machines or other items;
 - (iii) training as part of an export contract for the supply of goods under a license agreement;
 - (iv) control and coordination of the performance of a tourist services contract between a foreign tour operator and a Bulgarian tour-operator or hotelkeeper.
- For all other categories of employees a work permit is required. It is usually issued provided that all requirements of the law are met (e.g. there is ratio requirement between foreign and Bulgarian employees: 1:10).

Employers must register foreign nationals at the Labour Bureau within 3 days from the start of their employment even if no work permit is required.

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