

LAW FOR ENTERING, RESIDING AND LEAVING THE REPUBLIC OF BULGARIA OF EUROPEAN UNION CITIZENS AND MEMBERS OF THEIR FAMILIES

*In force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union
Prom. SG. 80/3 Oct 2006*

Chapter one. GENERAL PROVISIONS

Art. 1. (1) This law shall regulate the terms and order under which the European Union citizens and members of their families may enter, reside and leave the Republic of Bulgaria.

(2) This law shall also be applied to the citizens of countries - parties to the European Economic Area Agreement, the citizens of confederation Switzerland and the members of their families, who are not **citizens of the European Union**, the European Economic Area and confederation Switzerland, who, by virtue of international agreements concluded with the European Union, are entitled to free movement.

Art. 2. European Union citizen is a person, who is a citizen of a Member State of the European Union.

Art. 3. During their residence in the Republic of Bulgaria the European Union citizens and the members of their families, who are not **citizens of the European Union**, shall have all rights and obligations according to the Bulgarian legislation and the international agreements, to which the Republic of Bulgaria is a party, except the ones for which Bulgarian citizenship is required.

Chapter two. RIGHT OF ENTERING AND LEAVING THE REPUBLIC OF BULGARIA

Art. 4. (1) European Union citizen shall enter and leave the territory of the Republic of Bulgaria with identity card or passport.

(2) A member of the family of European Union citizen, who is not an European Union citizen, shall enter and leave the territory of the Republic of Bulgaria with passport and visa, in case such is required. The visa shall be issued under conditions and by procedure, settled by the Council of Ministers, free of charge for processing the documents and issuing the visa.

(3) No visa shall be required in case the person under para 2 possesses a residence card, issued by a Member State of the European Union.

(4) At entering and leaving the Republic of Bulgaria stamp shall not be placed in the passport of family member, who is not an European Union citizen, provided that he/she presents a residence card for the territory of a Member State of the European Union.

(5) In event that an European Union citizen or a member of his/her family, who is not European Union citizen, has none of the documents under para 1 and 2, prior to undertaking actions for non-admission, he/she shall be given the opportunity to obtain the documents required or to certify by other means that he/she is entitled to free movement.

Art. 5. (1) Right of entering, residing and leaving the Republic of Bulgaria under this Law shall also have:

1. another family member, regardless of his/her citizenship, who does not fit into the definition under § 1, item 1, letter "a" and who is a person for whom someone provides maintenance, or a member of the household of the European Union citizen, who is entitled to free

movement in the country, where he/she comes from, or in the cases when serious health reasons require obligatorily personal care for the family member by the European Union citizen;

2. the person, with whom the European Union citizen is in registered actual cohabitation.

(2) At entering or residing of a person under para 1, item 1 or 2, a detailed check of the personal circumstances shall be carried out. The refusal of entry or residence shall be reasoned and shall be subject to contestation by the order of the [Administrative procedure code](#).

Chapter three. TYPES AND TERMS OF RESIDENCE

Art. 6. (1) A European Union citizen shall reside in the Republic of Bulgaria with identity card or passport within a term of up to three months.

(2) A family member who is not European Union citizen shall reside in the Republic of Bulgaria with passport within a term of up to three months from the date of entry in the country.

Art. 7. (1) A European Union citizen may reside in the Republic of Bulgaria durably or permanently, for which a certificate shall be issued by National Service "Police".

(2) The durable residence is for a period of up to five years.

Art. 8. (1) The Durable residence certificate shall be issued to an European Union citizen, who meets one of the following requirements:

1. is a worker or self-employed person in the Republic of Bulgaria;

2. has health insurance and the financial resources required for covering the expenses with regard to their residence and the members of his/her family, without being a burden to the social support system; the amount of the financial resources shall be specified by act of the Council of Ministers;

3. is enrolled at an educational establishment for the purpose of studying, including vocational training, and meets the requirements under item 2.

(2) The Durable residence certificate shall also be issued to a family member of European Union citizen, who presents:

1. identity card or passport;

(3) Assumed as a person under para 1, item 1 shall also be a person, who no longer is a worker or self-employed person, and is:

1. in a state of temporary incapacity to work because of illness or accident;

2. registered as unemployed at directorate "Employment bureau", after having worked for more than a year and having become unemployed or after having terminated the activity as a self-employed person;

3. registered as unemployed at directorate "Employment bureau" after completing a fixed-term employment contract of up to a year or after having become unemployed during the first twelve months after termination of contract for a period of more than a year;

4. he/she embarks on vocational training, which:

a) is related to his/her work, provided that the contract has been terminated at his/her request;

b) is not related to his/her work, provided that the contract has been terminated by the employer;

(4) In the cases under para 3, item 3 the person shall preserve his/her status of a person equated to the one under para 1, item 1 for a period of six months, and under para 3, item 4 - till finishing the vocational training.

Art. 9. (1) For the issuance of a Durable residence certificate, the European Union citizen and his/her family members, who are [citizens of the European Union](#), shall submit an application to the National Service "Police" in three months term from the date of entry in the Republic of Bulgaria.

(2) The European Union citizen shall attach to the application:

1. an identity card or passport;

2. in the cases under art. 8, para 1, item 1 and 2 and para 3 - documents, certifying the presence of the circumstances, and under art. 8, para 1, item 3 - an affidavit;

3. a document for paid state fee.

(3) Member of the family of European Union citizen, who is European Union citizen shall attach to the application:

1. an identity card or passport;
2. a document, certifying that he/she is a member of the family of the European Union citizen;
3. a document for paid state fee.

(4) The Durable residence certificate shall be issued on the date of submission of the application and shall contain the full names of the person and the date of registration.

(5) Upon incompleteness in the documents under para 2 and 3 the person shall be given seven days term for their removal.

(6) If the person does not remove the admitted incompleteness within the fixed term, the bodies of National Service "Police" shall refuse to issue a Durable residence certificate, stating the reason.

(7) The refusal under para 6 shall be subject to contestation under the order of the [Administrative procedure code](#)

(8) In case such information is available, that a well-grounded conclusion may be drawn that the residence regime in the Republic of Bulgaria is violated, the bodies of National Service "Police" may carry out subsequent check of the circumstances under para 2 and 3.

Art. 10. A member of the family of an European Union citizen, who is not European Union citizen, may reside continuously or permanently in the Republic of Bulgaria, for which a residence card shall be issued to him/her.

Art. 11. (1) The term for durable residence of the person under art. 10 shall be fixed according to the term of the durable residence of the European Union citizen.

(2) Temporary absences not exceeding six months a year, absences of longer duration for compulsory military service, one absence for important reasons for a period of not more than twelve consecutive months or sending on a business trip in another country, shall not affect the term of the durable residence of the person under art. 10.

Art. 12. (1) For issuing a durable residence card, the person under art. 10 shall submit an application to the National Service "Police", and therefore a temporary certificate shall be issued immediately.

(2) The application shall be submitted within a term of three months from the date the person entered the Republic of Bulgaria.

(3) To the application shall be enclosed:

1. a passport;
2. a document, certifying that the person is a member of the family of an European Union citizen;
3. a Durable residence certificate of the European Union citizen, whose family member he/she is, in case this is necessary;
4. document for paid state fee.

(4) The durable residence card shall be issued within a term of up to three months from submission of the application.

(5) Upon incompleteness in the documents under para 3 the person shall be given fourteen-days term for their removal, provided that until its expiry the term under para 4 shall stop.

(6) If the person does not remove the admitted incompleteness within the fixed term under para 5, the bodies of National Service "Police" shall refuse to issue a Durable residence certificate with reason.

(7) The refusal under para 6 shall be subject to contestation by the order of the [Administrative procedure code](#).

Art. 13. Where necessary, prior to issuing a certificate or a card for durable residence the bodies of National Service "Police" may request the competent services of the state of origin of the person to carry out check whether he/she represents a threat to the national security or the public order.

Art. 14. The right of durable residence of a member of the family of European Union citizen, who is a European Union citizen, shall not be affected in event of death, leaving, termination

of the marriage or of the actual cohabitation with the European Union citizen, if he/she meets one of the requirements under art. 8, para 1 and 2.

Art. 15. (1) In case of death of European Union citizen the right of durable residence of the members of his family, who are not **citizens of the European Union**, shall not be affected, if they have resided in the Republic of Bulgaria for at least one year prior to his/her death.

(2) In event of leaving of European Union citizen, the right of durable residence of his/her children or of the other parent shall not be affected, on the condition that the children reside in the Republic of Bulgaria and are enrolled in a school of the system of the national education or in an university till concluding the education.

(3) A member of the family of an European Union citizen, who is not an European Union citizen, shall preserve his/her right of durable residence in case of termination of the marriage or the actual cohabitation, if he/she meets the requirements under art. 8, para 1, items 1 and 2 and with regards to him/her one of the following circumstances appears:

1. the marriage or the actual cohabitation have lasted for three years at least, one of which in the Republic of Bulgaria;

2. exercises the parent rights by virtue of court decision or agreement;

3. has suffered from home violence before the termination of the marriage or the actual cohabitation;

4. is entitled to visit underage child by virtue of court decision or agreement, provided that in the court decision or the agreement is set forth the visits to be carried out in the Republic of Bulgaria.

Art. 16. (1) An European Union citizen or member of his/her family, who is European Union citizen, shall receive a certificate of permanent residence, if he/she has resided permanently for a period of five years in the Republic of Bulgaria, as long as he/she meets one of the following conditions:

1. during the last year by the moment of termination of the contract has worked as an employee or as a self-employed person, has reached retirement age or a ground for earlier retirement appears with regard to him/her and has resided continuously in the Republic of Bulgaria for more than three years;

2. is a worker or self-employed person, who does not work because of permanently reduced capacity to work and has resided continuously in the Republic of Bulgaria for more than two years;

3. is a worker or self-employed person and is unable to work as a result of occupational injury or disease;

4. is a worker or self-employed person who has resided and worked continuously for a period of three years in the Republic of Bulgaria, working as such in another Member State, while retaining his/her place of residence in the Republic of Bulgaria, to which he/she returns at least once a week.

(2) For the purposes of exercising the rights referred to in para 1, items 1 and 2, the periods of employment spent in the other Member State shall be assumed spent in the Republic of Bulgaria, provided that the periods of recorded unemployment and of cessation of work due to illness or accident shall also be considered as periods of employment.

(3) The terms under para 1, items 1 and 2 shall not be applied, in case the worker or self-employed person is married to or is in actual cohabitation with a citizen of the Republic of Bulgaria or a person, who has lost his/her Bulgarian citizenship by virtue of marriage to that worker or self-employed person.

(4) In the event that the worker or self-employed person is entitled to permanent residence under para 1, the member of his/her family, living together with him/her in the Republic of Bulgaria, regardless of their citizenship, shall also have the right of permanent residence.

(5) If the worker or self-employed person dies before acquiring right of permanent residence on the basis of paragraph 1, while his/her contract or activity are not terminated, his/her family members who live with him/her in the Republic of Bulgaria shall acquire the right of permanent residence, as long as that they meet one of the following requirements:

1. the worker or self-employed person had, at the time of death, resided continuously on the territory of that Member State for two years;

2. the death resulted from an accident at work or an occupational disease;

3. the surviving spouse has lost the Bulgarian citizenship due to a marriage to the worker or self-employed person.

Art. 17. Continuity of residence under art. 16, para 1 shall not be affected by temporary absences not exceeding a total of six months a year, or by absences of a longer duration for compulsory military service, or by one absence of a maximum of 12 consecutive months for important reasons or by sending on a business trip in another country.

Art. 18. The Permanent residence certificate shall be withdrawn from the person, to whom it is issued, in case he/she is absent from the Republic of Bulgaria for a period, exceeding two consecutive years.

Art. 19. (1) A member of the family of European Union citizen, who is not European Union citizen, shall acquire a permanent residence card, if he/she has resided continuously for a period of five years in the Republic of Bulgaria together with an European Union citizen.

(2) The application to National Service "Police" for issue of a permanent residence card shall be submitted two months prior to the expiry of the term of the durable residence.

(3) The permanent residence card shall be issued within one-month term from submission of the application.

(4) The permanent residence card shall be re-issued ex-officio every ten years.

(5) The permanent residence card shall be withdrawn from the person, to whom it is issued, in case he/she is absent from the Republic of Bulgaria for a period, exceeding two consecutive years.

Art. 20. The documents, issued to the European Union citizens and the members of their families, certifying their right of residence, shall only be valid in the territory of the Republic of Bulgaria.

Art. 21. (1) During their residence in the Republic of Bulgaria the European Union citizens and the members of their families shall establish their identity by identity card or passport and shall certify their right of residence by a certificate or a residence card.

(2) The persons are obliged to present the documents under para 1 upon request by the competent authorities.

Chapter four.

RESTRICTIONS ON THE RIGHT OF ENTRY AND THE RIGHT OF RESIDENCE

Art. 22. The right of entry and the right of residence of European Union citizen or member of his/her family in the Republic of Bulgaria may be restricted by exception and on grounds, connected with the national security, public order or public health.

Art. 23. (1) The compulsory administrative measures, imposed on European Union citizen or member of his/her family, shall be:

1. withdrawal of the right of residence in the Republic of Bulgaria;
2. expulsion;
3. ban on entry in the Republic of Bulgaria.

(2) The imposing of the measure shall be based exclusively on the personal conduct of the individual concerned and shall be determined according to the degree in which the latter threatens the national security, public order or public health.

(3) At imposing the measure shall be taken into account the duration of residence in the Republic of Bulgaria of the individual on which it is imposed, his/her age, state of health, family and economic situation, social and cultural integration and the extent of his/her links with the country of origin.

Art. 24. Deprivation of the right of residence in the Republic of Bulgaria shall be imposed on European Union citizen or member of his/her family, in case:

1. the grounds for residence under art. 8 have dropped out;

2. it is found that the person has presented untrue data in order to acquire right of residence;

3. the person is absent from the Republic of Bulgaria for a period, exceeding two consecutive years;

4. the person suffers from diseases with epidemic potential, specified by the World Health Organisation.

Art. 25. (1) Expulsion shall be imposed to an European Union citizen or to a member of his/her family, in case his/her presence in the Republic of Bulgaria creates actual threat to national security or public order.

(2) Expulsion shall be imposed on European Union citizen who has resided in the Republic of Bulgaria during the last ten years, in exclusive cases only, connected with the national security, and on underage person - if this is in his/her interest.

(3) In the event of expulsion the person shall be deprived of the right of residence in the Republic of Bulgaria and a ban to entry in the Republic of Bulgaria shall be imposed on him/her.

(4) If an expulsion order has not been executed for more than two years after its entry into force, the body which issued it shall check whether the factual grounds for its issuing are still present. In case the factual grounds have dropped out, the order shall be revoked.

(5) European Union citizen or member of his/her family, to whom expulsion is imposed, shall not be expelled in a country, in which his/her life and freedom are threatened and he/she is exposed to danger of chase, torture or attitude, which is inhuman or humiliating.

Art. 26. (1) Ban on entry in the Republic of Bulgaria shall be imposed on European Union citizen or member of his/her family, who creates actual threat to national security with regards to his/her actions, or for whom there is information that carries out actions against national security or public order.

(2) The ban on entry in the Republic of Bulgaria shall be valid for a term of up to ten years.

(3) Simultaneously with the ban on entry, the right of residence may be deprived.

Art. 27. (1) The compulsory administrative measure shall be imposed by an order of the Director of the National service "Security", of the Director of the National Service "Police" or of officials, authorised by them, and shall be sent to the State Agency for the Refugees.

(2) In the order shall be indicated the term for its contestation, the competent administrative court and the term for voluntary leaving the Republic of Bulgaria.

(3) The term of voluntary leaving may not be shorter than one month, unless the person continues to threaten the national security, public order or public health.

Art. 28. (1) The order for imposing compulsory administrative measure shall be contested by the order of the [Administrative procedure code](#).

(2) The appeal against order for imposing compulsory administrative measure shall suspend its execution, unless the order is issued on a ground, connected to the national security.

Art. 29. The order for imposing compulsory administrative measure shall be executed after its coming into force by the bodies of Directorate "Migration" or by the authorities of Chief Directorate "Border police".

Art. 30. (1) The person, to whom was imposed compulsory administrative measure on a ground, related to the national security, may submit an application for lifting of the measure after three years from entry into force of the order for its imposing.

(2) The body which issued the order, shall pronounce with regards to the application within a term of maximum six months from its receipt.

Chapter five.

ADMINISTRATIVE PUNITIVE PROVISIONS

Art. 31. Shall be punished by a fine amounting from 50 to 300 BGN a person, who:

1. uses someone else's identity document, passport, certificate for residence or residence card, unless the act is a crime and is subject to a more graver punishment;
2. takes away, conceals or destroys someone else's identity document, passport, certificate for residence or residence card, unless the act is a crime and is subject to a heavier punishment;
3. does not present, upon request, identity document, passport, certificate for residence or residence card to the competent authorities.

Art. 32. Shall be punished by a fine amounting from 20 to 150 BGN a person, who:

1. prevents authority to carry out check for establishing his/her identity;
2. announces untrue data at submitting an application for issue of documents under this law, unless the act is a crime and is subject to a graver punishment.

Art. 33. For minor offences of this law shall be imposed a fine according to a receipt of up to 20 BGN by the persons authorised thereof.

Art. 34. (1) The violations shall be found by an act, worked out by a competent official, authorised by the director of National Service "Police".

(2) On the grounds of the prepared act the director of National Service "Police" or an official, authorised by him, shall issue a penal provision.

(3) The establishment of the violations, the issue of the penal provisions, their appeal and execution shall be carried out by the order of the [Law for the administrative offences and sanctions](#).

Additional provisions



§. 1. "Member of the family of an European Union citizen" is

- a) a person, who is married to or is in factual cohabitation with European Union citizen;
- b) a relative of descending line of an European Union citizen, who is not a Bulgarian citizen and has not accomplished twenty-one years of age, or is a person for whom he/she provides maintenance, or is a successor of the spouse;
- c) a relative of ascending line, for whom the European Union citizen or the spouse provides maintenance.

2. "Durable residence certificate" is a document, issued by the National Service "Police" which certifies the right of durable residence of European Union citizen in the Republic of Bulgaria.

3. "Permanent residence certificate" is a document, issued by the National Service "Police" which certifies the right of permanent residence of European Union citizen in the Republic of Bulgaria.

4. "Durable residence card" is a document, issued by the competent authority which certifies the right of durable residence of a member of family, who is not European Union citizen.

5. "Permanent residence card" is a document, issued by the competent authority which certifies the right of permanent residence of a member of family of European Union citizen, who is not European Union citizen.

6. "Important reasons" are pregnancy and childbirth, serious disease, education or vocational training.

Concluding provisions



§ 2. This Law shall enter into force from the date of the Treaty of Accession of the Republic of Bulgaria to the European Union becomes effective.

The Law was adopted by the 40th National Assembly on September 20, 2006 and was affixed with the state seal of the National Assembly.