

ACT ON ENTERING, RESIDING AND LEAVING THE REPUBLIC OF BULGARIA BY EUROPEAN UNION CITIZENS AND THEIR FAMILY MEMBERS (TITLE SUPPL. – SG 97/16, AMEND. - SG 34/19)

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, amend. SG. 109/20 Dec 2007, amend. SG. 69/5 Aug 2008, amend. SG. 36/15 May 2009, amend. SG. 93/24 Nov 2009, amend. SG. 102/22 Dec 2009, amend. SG. 9/28 Jan 2011, amend. SG. 21/13 Mar 2012, amend. SG. 53/27 Jun 2014, amend. SG. 14/20 Feb 2015, amend. SG. 79/13 Oct 2015, suppl. SG. 97/6 Dec 2016, amend. and suppl. SG. 97/5 Dec 2017, suppl. SG. 14/13 Feb 2018, amend. SG. 56/6 Jul 2018, amend. SG. 1/3 Jan 2019, **amend. and suppl. SG. 34/23 Apr 2019***

Chapter one. GENERAL PROVISIONS

Art. 1. (1) (suppl. – SG 97/16, amend. - SG 34/19) This Act shall regulate the terms and conditions for entry, reside and leave the Republic of Bulgaria of the European Union citizens and members of their families as well as the members of the family of Bulgarian citizens who are citizens of the European Union and have exercised their right to free movement.

(2) This Act 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) (amend. – SG 21/12) European Union citizen shall enter and leave the territory of the Republic of Bulgaria with a valid identity card or a valid passport.

(2) (suppl. – SG 102/09; amend. – SG 21/12) A member of the family of European Union citizen, who is not a European Union citizen shall:

1. enter the territory of the Republic of Bulgaria with a valid 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; the refusal to issue a visa, the cancellation or revocation shall be reasoned and may be contested under the procedure of the Administrative Procedure Code; a form according to a sample approved in an act of the Council of Ministers shall be issued in case of refusal, cancellation or revocation;

2. leave the territory of the Republic of Bulgaria with a passport.

(3) (suppl. – SG 21/12) No visa shall be required in case the person under para 2 accompanies or joins the European Union citizen and holds a residence card of a member of the family of a Union citizen,

issued by a Member State of the European Union.

(4) (amend. – SG 21/12) At entering and leaving the Republic of Bulgaria stamp shall not be placed in the passport of family member, who is not a European Union citizen, provided that he/she presents a residence card of a member of the family of a Union citizen.

(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.

(6) (new – SG 102/09, suppl. – SG 97/16) The refusal for entry and stay to the persons under Para 1 and 2 shall be reasoned and its conformity with the law may be contested before the competent court under the procedure of the Administrative Procedure Code.

Art. 5. (1) Right of entering, residing and leaving the Republic of Bulgaria under this Act 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) (suppl. – SG 97/16) 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 its conformity with the law shall be contested before the competent court by the order of the Administrative procedure code.

Chapter three.

TYPES AND TERMS OF RESIDENCE

Art. 6. (1) (amend. – SG 21/12) An European Union citizen shall reside in the Republic of Bulgaria with a valid identity card or a valid passport within a term of up to three months.

(2) (amend. – SG 21/12) A family member who is not European Union citizen shall reside in the Republic of Bulgaria with a valid passport within a term of up to three months from the date of entry in the country.

Art. 7. (1) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) European Union citizen may reside in the Republic of Bulgaria durably or permanently, for which a certificate shall be issued by the Directorate "Migration" – MI, the Capital Directorate of Interior (CDI) or the regional directorates of MI, or officials authorised by the directors.

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

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

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

2. (amend. – SG 9/11) 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;

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

(2) (suppl. – SG 21/12) The Durable residence certificate shall also be issued to a family member of European Union citizen, who accompanies or joins a European Union citizen or who presents:

1. (amend. – SG 21/12) a valid identity card or a valid passport;

2. document, certifying that he/she is a member of the family or is in actual cohabitation with the European Union citizen.

(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) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) 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 Directorate "Migration" – MI, CDI or the regional directorates of MI 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. (amend. – SG 21/12) a valid identity card or a valid passport;

2. (amend. - SG 97/17) in the cases under art. 8, para 1, item 1 and 2 and para 3 - documents, certifying the presence of the circumstances;

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. (amend. – SG 21/12) a valid identity card or a valid 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) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) If the person does not remove the admitted incompleteness within the fixed term, the bodies of the Directorate "Migration" – MI, CDI or the regional directorates of MI 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) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend.

– SG 53/14; amend. – SG, 14/2015) 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 the Directorate "Migration" – MI, CDI or the regional directorates of MI may carry out subsequent check of the circumstances under para 2 and 3.

(9) (new - SG 97/17) Application for the issue of a certificate of continuous residence shall be submitted personally by the European Union citizen and exceptionally by an authorized person after presenting a notarized power of attorney.

Art. 9a. (new – SG 36/09) (1) A member of the family of European Union citizen, who is European Union citizen and has not exercised their right of free movement, shall be granted a residence certificate according to the requirements of Council Regulation (EC) No 1030/2002 of 13 June 2002 Laying Down a Uniform Format for Residence Permits for Third-Country Nationals.

(2) (revoked - SG 97/17)

Art. 10. (suppl. – SG 21/12) A member of the family of a European Union citizen, who is not European Union citizen or accompanies or joins a European Union citizen, may reside continuously or permanently in the Republic of Bulgaria, for which a residence card of a family member or a Union citizen shall be issued to him/her.

Art. 11. (1) (amend. - SG 97/17) The term for durable residence of the person under Art. 9a and Art. 10 shall be fixed according to the term of the durable residence of the European Union citizen.

(2) (amend. - SG 97/17) 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. 9a and Art. 10.

Art. 12. (1) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015, amend. - SG 97/17, amend. - SG 34/19) For issuing a durable residence card respectively of a residence permit under Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals of a family member of a Union citizen, the person under Art. 9a and Art. 10 shall submit an application to the Directorate "Migration" - MI, CDI or the regional directorates of MI 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. (amend. – SG 21/12) a valid passport;
2. a document, certifying that the person is a member of the family of a 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) (suppl. – SG 21/12) The durable residence card of a family member of a Union citizen 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) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015, amend. - SG 34/19) If the person does not remove the admitted

incompleteness within the fixed term under para 5, the bodies of the Directorate "Migration" – MI, CDI or the regional directorates of MI shall refuse to issue a Durable residence document with reason.

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

Art. 12a. (new - SG 34/19) (1) The persons under Art. 9a and 10 may be refused the issue of residence documents on the basis of data warranting a reasonable conclusion that marriage or factual cohabitation has been concluded only for the purpose of circumventing the rules governing the free movement of citizens of the European Union and members of their families.

(2) The data under para. 1 may be established by ex officio after verification of submitted documents or inspections and investigations carried out by other state authorities, as well as through interviews conducted by employees of the Migration Directorate - MoI or by the regional directorates of the Ministry of Interior and by statements of the affected persons or of third parties.

(3) The refusal under para. 1 shall be subject to appeal under the procedure of the Administrative Procedure Code.

Art. 13. (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 21/12) (1) (amend. – SG 53/14; amend. – SG, 14/2015, suppl. - SG 34/19) Prior to issuing a certificate, residence permit or a card for durable residence of a family member of a Union citizen the bodies of the Directorate "Migration" - MI may request the competent authorities of the state of origin of the person, or where necessary, the competent authorities of another state, to carry out check whether he/she represents a threat to the national security or the public order.

(2) (amend. – SG 53/14; amend. – SG, 14/2015) At the request of the competent authorities of another Member State of the European Union, a contracting state to the Agreement on the European Economic Area or the Swiss Confederation, the bodies of the Directorate "Migration" – MI, independently or in cooperation with other competent national authorities shall check if the person mentioned in the request represents a threat to the national security or the public order and shall provide the information within two months.

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. 14a. (New – SG 14/18, amend. - SG 1/19) The troops and members of the civilian component of a NATO structure located in the Republic of Bulgaria as well as their dependents reside in the Republic of Bulgaria without the requirements of this Act.

Art. 15. (1) (suppl. – SG 21/12) 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 as family members.

(2) (amend. – SG 21/12; amend. - SG 79/15, in force from 01.08.2016) In event of leaving of European Union citizen or death of a European Union citizen, the right of durable residence of his/her children or of the other parent, exercising the parental rights, 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 pre-school and school education or in an university till concluding the education or where they provide evidence for subsequent stages of their 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. (amend. – SG 21/12) has suffered from home violence before the termination of the marriage or the actual cohabitation and in other cases, where justified by especially difficult circumstances that have occurred independent of the will of the foreigner, which could not have been foreseen or escaped from him;
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.

(4) (new – SG 21/12) The persons referred to in Para 1, 2 and 3 shall prove that they are employees or self-employed or possess sufficient funds for themselves or their family members so that they will not be burdensome to the social aid system during their stay and that they possess full health insurance or are members of an existing family in the Republic of Bulgaria of a person meeting those requirements, the assessment of those circumstances being made independently for each person.

Art. 16. (1) (amend. – SG 9/11; suppl. – SG 21/12, suppl. - SG 34/19) An European Union citizen or a member of his/her family, who is European Union citizen, or family member of a Bulgarian citizen who is a citizen of the European Union and has exercised his / her right to free movement shall receive a certificate of permanent residence, if he/she has lawfully resided permanently for a period of five years in the Republic of Bulgaria, or if 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) (new – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015, suppl. - SG 34/19) For the issue of a permanent residence certificate the European Union citizen or his family member also citizen of the European Union or family member of a Bulgarian citizen who is a citizen of the European Union and has exercised his / her right to free movement shall file an application with the Directorate "Migration" – MI, CDI or the regional directorates of MI three days before expiration of the term of permitted continuous stay in the Republic of Bulgaria. The permanent residence certificate shall be issued within the day of filing the application and shall contain the full name of the person and the date of registration.

(6) (prev. text of Para 05 – SG 21/12) 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. 17a. (new – SG 21/12) The refusal for issuing a permanent residence certificate under Art. 16 shall be reasoned and shall be appealable as set out in the Administrative Procedure Code.

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) (suppl. – SG 9/11; amend. – SG 21/12) A member of the family of European Union citizen, who is not European Union citizen, shall have the right of permanent residence, if he/she has lawfully resided continuously for a period of 5 years in the Republic of Bulgaria together with an European Union citizen, or if he/she has lawfully resided continuously for a period of 5 years in the Republic of Bulgaria in the cases envisaged in Art. 15 and shall be issued a permanent residence card of a family member of the Union citizen.

(2) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) The application to the Directorate "Migration" – MI, CDI or the regional directorates of MI for issue of a permanent residence card of a family member of a Union citizen shall be submitted two months prior to the expiry of the term of the durable residence.

(3) (suppl. – SG 21/12) The permanent residence card of a family member of a Union citizen shall be issued within one-month term from submission of the application.

(4) (suppl. – SG 21/12) The permanent residence card of a family member of a Union citizen shall be re-issued ex-officio every ten years.

(5) (suppl. – SG 21/12) The permanent residence card of a family member of a Union citizen 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. (amend. – SG 21/12) The European Union citizens and their family members granted a right of residence in the Republic of Bulgaria shall be issued documents certifying their right of residence.

Art. 20a. (new - SG 97/17, amend. - SG 34/19) Citizens of the European Union and their family members who are citizens of the European Union, nationals of the countries of the Agreement on the European Economic Area and of the Swiss Confederation and members of their families who are nationals of the countries of the Agreement on the European Economic Area and of the Swiss Confederation may, at

their express request, also receive certificates of residence on a card carrier.

(2) To certify the residence address contained in the residence permit, issued on a card, the persons under para. 1 shall submit one of the following documents:

1. a property document or other document proving ownership or use of the property;
2. a declaration by the owner of the residence address provided; in case the declaration is not filed personally by the owner or by a person authorized by him / her, he / she should have a notary authentication of the signature;
3. a placement order when the person is placed in a state or municipal dwelling.

Art. 20b. (new - SG 97/17) The procedure for issuing documents under this Act shall be determined by an instruction issued by the Minister of the Interior.

Art. 21. (1) (amend. – SG 21/12; amend. – SG 53/14) The identity of the European Union citizens and the members of their families during their stay in the Republic of Bulgaria shall be established by identity card or passport or as set out in Art. 70, Para 2 of the Ministry of Interior Act.

(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.

(4) (new – SG 21/12) The compulsory administrative measures under Para 1 may not be based on economical considerations, on use of the social aid system, search of employment or expiration of the term of validity of the identity card or the passport with which the person has entered the Republic of Bulgaria.

Art. 24. (1) (*) (previous text of Art. 24 – SG 9/11) 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.

(2) (*) (new – SG 9/11; amend. – SG 21/12) Right of residence may be deprived from a European

Union citizen's family member, from a member of the family of a citizen of Confederation of Switzerland, from a member of the family of citizen of a state – party to the European Economic Area Agreement, in the cases where a signal for refusal of entry was entered into the Schengen Information System about the person and after consultation with that Member State which has filed the signal and where is confirmed that the person establishes a serious danger for the national security and about him/her data exists that performs actions against the national security and the public order.

Art. 25. (1) (amend. – SG 21/12) 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 a real, current and serious 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.

(6) (new – SG 21/12) The diseases with epidemic potential as specified in the relevant documents of the World Health Organisation, and other infectious or contagious parasitic diseases, if subject to protective provisions applicable to citizens of the Republic of Bulgaria, that have occurred after the expiration of three months from the date of arrival of the person shall not be grounds for expulsion from the territory of the country.

Art. 26. (1) (amend. – SG 21/12) Ban on entry in the Republic of Bulgaria shall be imposed on European Union citizen or member of his/her family, who creates a real, current and serious 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) (*) (new – SG 9/11; amend. – SG 21/12) Entry into the Republic of Bulgaria may be refused to a European Union citizen's family member, to a member of the family of a citizen of Confederation of Switzerland, to a member of the family of citizen of a state – party to the European Economic Area Agreement, in the cases where a signal for refusal of entry was entered into the Schengen Information System about the person and after consultation with that Member State which has filed the signal and where is confirmed that the person establishes a serious danger for the national security and about him/her data exists that performs actions against the national security and the public order.

(3) (*) (previous text of Para 2 – SG 9/11) The ban on entry in the Republic of Bulgaria shall be valid for a term of up to ten years.

(4) (*) (previous text of Para 3 – SG 9/11) Simultaneously with the ban on entry, the right of residence may be deprived.

Art. 27. (1) (amend. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; amend. and suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) The compulsory administrative measure shall be imposed by an order of the chairman of State Agency "National Security", of the Director of the Directorate "Migration" - MI or of officials, authorised by them, and shall be sent to the State Agency for the Refugees. The factual grounds for imposing a particular

compulsory measure, where containing classified information, shall be indicated in a separate document drawn up by the competent officials as set out in the Protection of Classified Information Act.

(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.

(4) (new – SG 21/12) The person imposed a compulsory administrative measure shall be informed of the contents of the order in a comprehensible language by the authorities entrusted with the implementation of the order. The information shall be attested in a protocol.

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. (amend. – SG 53/14) The order for imposing compulsory administrative measure shall be executed after its coming into force by the bodies of Directorate "Migration" or the authorities of Chief Directorate "Border police".

Art. 30. (1) (amend. – SG 21/12) The person, to whom was imposed compulsory administrative measure may submit an application for lifting of the measure after three years from entry into force of the order for its imposing.

(2) (new – SG 21/12) The application for lifting the measure may be submitted also before the expiry of three years from the entry into force of the order for its imposing, where a significant change to the factual grounds for its imposition have occurred and the person submits sufficient evidence for such change.

(3) (prev. text of Para 02 – SG 21/12) 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. (amend. – SG 21/12) uses someone else's identity document, passport, certificate for residence or residence card of a family member of a Union citizen, unless the act is a crime and is subject to a more graver punishment;

2. (amend. – SG 21/12) takes away, conceals or destroys someone else's identity document, passport, certificate for residence or residence card of a family member of a Union citizen, unless the act is a crime and is subject to a heavier punishment;

3. (amend. – SG 21/12) does not present, upon request, identity document, passport, certificate for residence or residence card of a family member of a Union citizen 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 Act, unless the act is a crime and is subject to a graver punishment.

Art. 33. (amend. – SG 21/12) For minor offences of this Act shall be imposed a fine according to a receipt of up to 20 BGN by the persons authorised thereof.

Art. 34. (1) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) The violations shall be found by an act, worked out by a competent official, authorised by the director of the Directorate "Migration" - MI.

(2) (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) On the grounds of the prepared act the director of Directorate "Migration" – MI 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 Administrative Violations and Penalties Act.

Additional provisions

§. 1. For the purposes of this Act:

1. "Member of the family of a European Union citizen" is:

a) (amend. - SG 97/17, suppl. - SG 34/19) a person, who is married to or is in factual cohabitation with European Union citizen, certified by an official document issued by another Member State of the European Union or other documents certifying the circumstances of their actual cohabitation, except for a written statement by the person;

b) (amend. – SG 21/12, amend. - SG 34/19) a relative of descending line of an European Union citizen and has not accomplished twenty-one years of age, or is a person for whom he/she provides maintenance, or is a descendant of a person under Letter "a";

c) (amend. – SG 21/12) a relative of ascending line, for whom the European Union citizen or a person under Letter "a" provides maintenance.

2. (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) "Durable residence certificate" is a document, issued by the Directorate "Migration" – MI, CDI or the regional directorates of MI or officials authorised by the directors, which certifies the right of durable residence of European Union citizen in the Republic of Bulgaria.

3. (amend. – SG 69/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 21/12; amend. – SG 53/14; amend. – SG, 14/2015) "Permanent residence certificate" is a document, issued by the Directorate "Migration" – MI, CDI or the regional directorates of MI, or official authorised by the directors, which certifies the right of permanent residence of European Union citizen in the Republic of Bulgaria.

4. (suppl. – SG 21/12) "Durable residence card of a family member of a Union citizen" 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. (suppl. – SG 21/12) "Permanent residence card of a family member of a Union citizen" 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.

7. (new – SG 14/18) "Dependent person" is the spouse of a serviceman or of a member of the civilian component of a NATO structure located in the Republic of Bulgaria, as well as the persons, to whom the serviceman or the member of the civilian component exercises parental, guardianship or custody rights, or is required to provide maintenance under the legislation of the sending State.

Concluding provisions

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

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

**Transitional and concluding provisions
TO THE STATE AGENCY FOR NATIONAL SECURITY ACT**

(PROM. - SG 109/07, IN FORCE FROM 01.01.2008)

§ 44. The Act shall enter into force from 1 January 2008.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT**

(PROM. - SG 69/08)

§ 128. In the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and Their Family Members (prom. – SG 80/06; amend. – SG 109/07) everywhere the words "National Service "Police" shall be replaced with "General Directorate "Security police".

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT**

(PROM. – SG 93/09, IN FORCE FROM 25.12.2009)

§ 75. Everywhere in the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and Their Family Members (prom. – SG 80/06; amend. – SG 109/07; amend. – SG 69/08 and SG 36/09) the words "Chief Directorate "Security Police" shall be replaced by "Directorate "Migration"-MI".

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§ 100. This Act shall enter into force one month after its promulgation in the State Gazette except for § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the date of its promulgation.

**Additional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON ENTERING, RESIDING AND
LEAVING THE REPUBLIC OF BULGARIA BY EUROPEAN UNION CITIZENS AND THEIR
FAMILY MEMBERS**

(PROM. – SG 102/09)

§ 2. This Act shall implement the requirements of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT

(PROM. - SG 9/11, AMEND. - SG 56/18)

§ 65. (amend. – SG 56/18) Paragraph 8, Item 8, letter "e" (regarding Art. 10, Para 1, item 19) and item 3; § 21, item 3 (regarding Art. 26, Para 6); § 38, item 2; § 43 and § 51, Items 4 and 5 shall be applicable after the entering into force a decision of the Council on the implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON ENTERING, RESIDING AND LEAVING THE REPUBLIC OF BULGARIA BY EUROPEAN UNION CITIZENS AND THEIR FAMILY MEMBERS

(PROM. – SG 21/12)

§ 24. In the remaining texts of the Act the words "residence card" shall be replaced by "residence card of a family member of a Union citizen".

§ 28. The current forms shall remain valid before entry into force of the act of the Council of Ministers that approves the forms of the residence card of a family member of a Union citizen, who is a durable or permanent resident family member of a Union citizen and has exercised his right of free movement.

Transitional and concluding provisions

TO THE PRE-SCHOOL AND SCHOOL EDUCATION ACT

(PROM. - SG 79/15, IN FORCE FROM 01.08.2016)

§ 60. This Act shall enter into force from 1st August 2016, with the exception of:

1. Art. 22, para. 2 it. 3, 4 and 13 and para. 3, Chapter Six, Sections I, II and III and § 58, which shall enter into force one month after the promulgation of the Act in the "State Gazette"

2. Chapter Seven, which shall enter into force two months after the promulgation of the Act in the "State Gazette"

3. Chapter Sixteen, which shall enter into force on January 1, 2017;

4. § 46 it. 1, letter "a", which shall enter into force on August 1, 2022.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT

(PROM. - SG 34/19)

§ 24. (*) (1) The citizens of the United Kingdom and the members of their families who on the day following the date of withdrawal of the United Kingdom from the European Union have entered and resided legally in the Republic of Bulgaria or have a valid residence permit issued by the Republic of Bulgaria may

submit by 31 December 2020 a personal application to the Migration Directorate or in the regional directorates of the Ministry of Interior for issuing a residence permit in the Republic of Bulgaria for which a temporary residence certificate is issued immediately. The documents required by the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members shall be attached to the application.

(2) To the persons under para. 1, who do not pose a threat to national security or public order, a residence permit shall be issued within one month of the date of filing of the application under the terms of the on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members.

(3) Family members of a United Kingdom citizen who have been granted a residence permit under para. 2 who on the day following the date of withdrawal of the United Kingdom from the European Union have acquired the status of family member of a UK citizen, but who do not reside in the Republic of Bulgaria to this day, may by March 29, 2022 may submit a personal application to the Migration Directorate or in the regional directorates of the Ministry of Interior for issuing a residence permit in the Republic of Bulgaria for which a temporary residence certificate is issued immediately. The documents required by the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members shall be attached to the application.

(4) Family members of a United Kingdom citizen who have been granted a residence permit under para. 2 who have acquired the status of family member of a UK citizen in the period between the day following the date of the UK's withdrawal from the European Union and 31 December 2020 may submit by 31 December 2020 a personal application to the Migration Directorate or in the regional directorates of the Ministry of Interior for issuing a residence permit in the Republic of Bulgaria for which a temporary residence certificate is issued immediately. The documents required by the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members shall be attached to the application.

(5) A citizen of the United Kingdom who is a member of the family of a Bulgarian citizen, acquired this quality until the day following the date of withdrawal of the United Kingdom from the European Union may until 29 March 2022 submit a personal application to the Migration Directorate or in the regional directorates of the Ministry of Interior for issuing a residence permit in the Republic of Bulgaria for which a temporary residence certificate is issued immediately. The documents required by the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members shall be attached to the application.

(6) To the persons under para. 3 - 5, who do not pose a threat to national security or public order, a residence permit shall be issued within one month of the date of filing of the application under the terms of the on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members.

(7) The persons under para. 3 - 5 may enter the territory of the Republic of Bulgaria with a valid passport and a visa when required. The visa shall be issued under the conditions and by the order of art. 4 of the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members.

(8) State Agency for National Security shall submit a written statement within 7 days of receipt of the application under para. 1 and para. 3 - 5.

(9) The application under para. 1 and para. 3 - 5 should be in a form approved by an order of the Minister of the Interior.

(10) The residence permit under para. 1 and para. 3 to 5 shall be issued in accordance with the requirements of the Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, which must be marked "was legally resident on the day following the date of withdrawal of the United Kingdom from the European Union" - for a citizen of the United Kingdom, or "family member of a citizen of the United Kingdom, legally resident on the day

following the date of withdrawal of the United Kingdom from the European Union" - for the members of his/her family. In the cases under para. 5 shall be marked "family member of a Bulgarian citizen as of the day following the date of withdrawal of the United Kingdom from the European Union".

(11) The fee that is collected for the issuance of the residence permits under para. 1 and para. 3 - 5 is the same as that collected for the issue of a "residence card for a family member of a Union citizen" of a long-term or permanent resident of the family of a citizen of the European Union, who is not a citizen of the European Union and who has exercised his right to freedom of movement.

(12) Where the persons under para. 1 and para. 3 - 5 do not meet the conditions of para. 2, respectively para. 6, the authorities of the Migration Directorate or the regional directorates of the Ministry of Interior gives motivated refusal to issue a residence permit.

(13) The refusal under para. 12 is subject to appeal under the Administrative Procedure Code.

(14) The children of a UK citizen who has been granted a residence permit under Para. 2 born between the day following the date of withdrawal of the United Kingdom from the European Union and 31 December 2022 a residence permit is issued under the terms of the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members.

§ 34. (1) Paragraph 5, § 7, item 1, letter "c" and § 17 shall enter into force 6 months after the promulgation of the Act in the State Gazette.

(2) Paragraph 24 shall enter into force on the day following the date of withdrawal of the United Kingdom from the European Union.