



GES NewsFlash

Bulgaria — Immigration alert

September 14, 2011

Amendments to the work and residence regime for third-country nationals in Bulgaria have been adopted by the Bulgarian Parliament. You can find an outline of some important changes below.

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Introduction of rules for issuance of a Bulgarian work and residence permit type “EU Blue card”

An EU Blue card for highly-qualified employment in Bulgaria shall be issued by the immigration authorities following the receipt of an approval by the Employment Agency and a long-term visa type D (visa D). The Blue card allows third-country nationals to work in the country only at the place, position, and term of work specified therein.

Deloitte’s view

The new rules for issuance of a Blue card are similar to the currently effective regime for issuance of work permits to third-country nationals. Although the EU Blue card should be issued faster, in fact the procedure does not entitle the applicant or the employer to a preferential treatment. The authorities do not have established practice with their application.

Changes in the regime for issuance of work permits to third-country nationals

A work permit is no longer required for third-country nationals and their families who have received a Bulgarian long-term residence permit. However, the scope of the market test for issuance of work permits has been expanded and the requirements for substantiating the hiring of a third-country national have been specified in more detail. The requirements towards the employer that wishes to employ or accept a seconded third-country national are also increased.

Deloitte’s view

The accepted amendments are aimed at protecting the Bulgarian labor market. Apart from the introduced waiver of work permits to third-country nationals with long-term residence permit, they further complicate the work permit regime.

Changes in the rules for issuance of Bulgarian residence permits and visas

New terms and conditions for award of Bulgarian prolonged residence permits are introduced, including an easier procedure for initial receipt of a prolonged residence

permit for the purposes of family reunion. Requirements for admissibility of a submitted visa application in a Bulgarian embassy or consulate, as well as a maximum term of 35 working days for decision on a submitted application for issuance of visa D, are now stipulated.

Deloitte's view

The adopted amendments clarify the terms and conditions for issuance of residence permits and visas. The introduction of the admissibility requirements should standardize the practice of Bulgarian embassies and consulate offices. The initial review of applications for family reunion of third-country nationals presupposes the facilitation of the coordination procedure for issuance of a visa D.

The provisions regarding the stamping of the international passports of third-country nationals upon entry and exit from Bulgaria should also be taken into consideration. According to the new rules, if the international passport of a third-country national is not stamped upon entry in the country, the immigration authorities may consider that he/she does not comply with the requirements for short-term residence. This may lead to complications in his/her immigration status in Bulgaria.

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