



## Tax Newsletter

# Amendments and innovations in the immigration legislation, introduced in Bulgaria – EU Blue card

### In brief

On January 25, 2023, the new Labor Migration and Labor Mobility Act entered into force. The changes in the law are mainly focused on facilitating access to the labor market in the Republic of Bulgaria by highly qualified specialists - citizens of third countries. The reform adapts the law to dynamic migration and demographic processes by introducing a more flexible and accelerated process for obtaining an EU Blue Card and facilitated long-term and short-term mobility

### Requirements for issuing the permit

In addition to education and qualification documents, the skills of the foreigner applicant for the EU Blue Card can also be verified by evidence of at least 5 years of professional experience, when it concerns positions, outside the list approved by order of the Minister of Labor and Social Affairs politics.

The requirement that the minimum salary of the holder of the EU Blue Card, which should be at least 1.5 times higher than the average for the country in the last 12 calendar months, is made according to the available data from the National Statistical Institute is specified.

The minimum duration of the employment contract that the EU Blue Card holder enters into is reduced from 12 to 6 months.

## Restrictions on exercise of employment

The period during which the employee, holder of the EU Blue Card, will be able to exercise highly qualified employment only in Bulgaria, is reduced from 24 to 12 months, which in turn guarantees greater mobility on the territory of the EU, with the clarification that the current hypothesis does not apply in cases of secondment.

## Mobility within the EU

A provision is being created that enables holders of an EU Blue Card issued in Bulgaria to enter and reside in the territory of an EU member state for a period of 90 within 180 days, in order to carry out specific official work. The current mechanism resembles a visa-free stay.

## Change of employer

Changes are being made to the procedure for changing employers, with the minimum period after which the employer can be changed reduced from 24 to 12 months.

If, however, a change of employer becomes necessary during the first 12 months of employment, the new employer has the obligation to submit an application to the Migration Directorate, accompanied by the documents exhaustively listed in Art. 33k, para. 5, items 6-8 of the Law on the foreigners in the Republic of Bulgaria.

When changing employers after the first 12 months of employment, the new employer should only submit an application to the Migration Directorate electronically or on paper.

## Changes in the Law on Foreigners in the Republic of Bulgaria

The maximum duration of the EU Blue Card is extended from 4 to 5 years, and the permit is issued for at least 24 months.

When the term of the concluded employment contract is shorter than 24 months, the permit is issued for the term of the contract, extended by 3 months, but for a maximum term of 24 months.

The application for the issuance of a permit to issue an EU Blue Card can be submitted to the Migration Directorate in Sofia, regardless of the foreigner's address of residence, and the obligation to have it signed by the employer is no longer required.

## Electronic format

Among the most key changes is the completely new possibility for the application and the accompanying documents to be submitted in electronic format, but after creating technical conditions in the Directorate "Migration" and/or at the regional directorates of the Ministry of the Interior.

## Reduction of procedural terms

The terms for processing and ruling on the application by the competent authorities - the Employment Agency and the Migration Directorate - are significantly reduced, which significantly speeds up the procedure.

The period in which the Migration Directorate should send the applications to the Employment Agency is reduced from 14 to 10 days.

The deadline for the preparation of a written opinion by the Executive Director of the Employment Agency is reduced from 14 to 10 days.

The term by which the term for ruling on the application can be extended in case of factual and legal complexity has been reduced from 1 month to 15 days.

In addition, it is assumed that if the Employment Agency does not notify the Migration Directorate of detected irregularities within a 10-day period, it is assumed that the submitted documents are in order and there is no need for additional instructions.

## Remote work

The right of the holder of the EU Blue Card to carry out his work duties in remote work mode is expressly regulated, if this is agreed in the foreigner's employment contract or in a supplementary agreement, under the terms and conditions of the Labor Code.



## Coercive administrative measures

New grounds have been introduced for revoking the residence permit of a foreigner holding an EU Blue Card, including when it is established that:

- the EU Blue Card or the submitted documents were obtained fraudulently, falsely or forged;
- there is no valid employment contract;
- the EU Blue Card holder poses a threat to national security, public order or health;
- the employer has not fulfilled its obligations related to social security, taxation and working conditions

## Health insurance

Changes to the Law on Health Insurance have also been adopted, through which holders of the EU Blue Card enter the circle of persons subject to compulsory health insurance in Bulgaria.

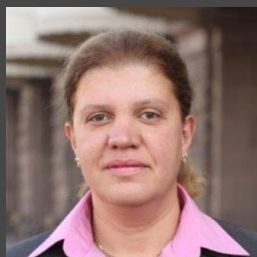
## Contacts

For a deeper discussion of how these issues might affect your business, please contact:



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