

**ACT AMENDING AND COMPLEMENTING THE FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT
(IN FORCE AS OF 18.05.2009)**

In State Gazette No. 36/15.05.2009 was promulgated the Act Amending and Complementing the Foreigners in the Republic of Bulgaria Act.

Some of the most essential amendments introduced by the Act are summarized below.

I. Obtaining of Permanent Residence Permit by Investors

One of the grounds for obtaining a permanent residence permit in Bulgaria for a foreigner is to make in investment in Bulgaria over a certain amount. Under the former provisions the amount which had to be invested in Bulgaria used to be USD 500 000 and the types of investment were not specified or enumerated. By virtue of the recent amendments the investment amount is BGN 1 000 000 which, however, need to be invested only in acquiring:

- (i) shares of Bulgarian companies traded on a regulated Bulgarian stock exchange;
- (ii) bonds and treasury bills, as well as their derivatives , issued by the State or by the municipalities with remaining term to maturity not less than 6 months;
- (iii) ownership over a separate part of the assets of a Bulgarian company with more than 50 percent of state or municipal participation in the capital under the Privatization and Post Privatization Control Act;
- (iv) shares, owned by the state or municipalities in a Bulgarian company under the Privatization and Post Privatization Control Act;
- (v) Bulgarian intellectual property - copyrights and related rights, patent-protected inventions, utility models, trademarks, service marks and industrial design;
- (vi) rights under the concession contracts in the Republic of Bulgaria.

Permanent residence in Bulgaria could be also obtained if the amount of BGN 1 000 000 is invested in a Bulgarian licensed credit institution under a trust management agreement for not less than 5 years.

Another option is to invest in the capital of a Bulgarian company, whose shares are not traded on a regulated stock exchange, not less than BGN 6 000 000.

II. “Foreigner” – Change of Definition

A new definition for a foreigner has been provided for in order to harmonize it with the one, widely used in the current legislation. Thus, the new definition of a “foreigner” has been changed to comprise all individuals who are not Bulgarian citizens.

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III. Adoption of Uniform Residence Permits Format

The amendments made in accordance with Regulation (EC) 1030/2002 concern the introduction of a uniform format for residence permits issued to third-country nationals. The uniform document is intended to meet high technological standards with regard to the guarantees against counterfeit and falsifying.

IV. Extension of Period of Absence from Bulgaria

This amendment concerns the status of third-country nationals who are long-term residents. In the event of absence from the territory of Bulgaria or of the Community for a period of 12 consecutive months, the long-term residents will no longer be entitled to maintain a long-term resident status. Previously, the maximum period of absence was 6 months and one day and it concerned only absence from Bulgarian territory.

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