

CROSSING THE BORDER AND EMPLOYMENT

(Guide for citizens of Ukraine)

1. Crossing the border

Nationals of Ukraine may enter Bulgaria if they hold one of the following documents:

- biometric passport;
- old format passport without biometrics;
- ID card;
- driver's license;
- birth certificate – for children under 14 years;

Irrespective of the above in view of the emergency reasons, refugees from Ukraine are also allowed to enter, when they:

- possess one of the above documents, but it has expired;
- do not have any of these documents, but they have other official documents indicating their identity – for example: certificates, passes, diplomas, membership cards, bank cards, employment books, property documents, etc.;
- they do not have absolutely any documents – exceptionally and after carrying out a check by border police under Article 8 in connection with Article 6 of the Schengen Visa Code. (A Member State may allow the entry of a third-country national who does not meet some of the conditions for humanitarian reasons).

The Republic of Bulgaria applies the EU common visa policy. Applicable are also the operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders (Commission Communication 2022/C 104 I/01).

1.2. Minors

Children under 14 years who are with their parent or other adult relative (grandparent, aunt, uncle, adult sibling) and who do not have a passport and other photo ID must present birth certificate or other official document from which the relative relationship between the child and the adult can be verified.

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Children from 14 to 18 years old may present an ID card in the absence of a passport and, if they do not possess neither of these, they may present an official document showing their relationship with the parent or other accompanying adult relative with whom they travel.

Children under 18 who travel alone (unaccompanied children), that is, without their parents or relatives, or who travel with other adults with whom they are not related and declare at the Bulgarian border that they want to enter Bulgaria to seek asylum and international protection are necessarily allowed into the territory of the country and handed over to the social services.

2. Temporary protection, granting of refugee status and international protection

2.1 Temporary protection

On 3 March 2022, the EU introduced the Temporary Protection Directive for refugees from Ukraine. This means that refugees from Ukraine automatically receive temporary protection as refugees on the territory of the EU Member States for an initial period of 1 year.

On 10th of March 2022 the Bulgarian Council of Ministers adopted Decision No 144 that provides for comprehensive procedure for entering the country and acquiring temporary protection status for all Ukrainian citizens arriving in EU after February 24th 2022. Set-up in this respect were mobile registration checkpoints at the Bulgarian border with Romania (and it is expected that similar checkpoints will be set at the other borders of the country as well) where Ukrainian refugees may obtain the relevant registration cards – called “registration card of a foreigner with temporary protection” – under the Temporary Protection Directive.

After the expiry of 1 year, the term of temporary protection for refugees from Ukraine may be extended from six months to a total of 3 years. The period may be shortened if peace is restored in Ukraine.

We find advisable the refugees from Ukraine to initially benefit from the above procedure and the status of **persons under temporary protection** instead of applying for international protection in the territorial units of the State Agency for Refugees (SAR), as described in item 2.2 below.

Foreigners benefiting from temporary protection shall be entitled to:

- remain on the territory of the Republic of Bulgaria within the prescribed period;
- work and study;
- appropriate accommodation or means of accommodation where necessary;
- social assistance;
- medical care in emergency conditions;
- freely return to their country of origin;
- be reunited with their spouse, their minors and children who have not married, if they so request.

2.2. Granting refugee status and international protection

As long as they benefit from the temporary protection referred to in point 2.1, foreigners are not entitled to apply for international protection on their own and to be granted individual refugee or humanitarian status, even if they have reason to fear personal persecution. However, when the term of temporary protection expires, foreigners have the right to submit an independent application for protection and status in Bulgaria. If they do not submit such an application after the expiry of the term and the termination of the temporary protection, they would be considered illegal immigrants and might be subject to deportation procedures back to their country of origin by the immigration police authorities.

Refugee status in the Republic of Bulgaria is granted to a foreigner who, due to legitimate fears of persecution based on race, religion, nationality, political opinion or membership of a particular social group, is outside his country of origin and for these reasons cannot or does not wish to enjoy the protection of that country or return to it.

International protection includes *refugee* and *humanitarian status* (non-refugee status and who cannot or does not wish to receive protection from his country of origin as he may be at real risk of serious harm).

After February 24th, 2022, Ukrainian citizens automatically received the right to seek asylum as refugees in Bulgaria, even if they did not hold any of the documents referred to in Paragraph 1. After the expiry of the temporary protection status, granted to right Ukrainian refugees will be right to submit an individual application for asylum and international protection, which be examined and decided on by the administration of the SAR.

The Bulgarian refugee law provides that everyone may apply for asylum and international protection, where in event he/she does not bring a valid passport, it is recommendable to present to the border authorities other documents that have a photo on (ID card, driver's license, etc.) that may indisputably establish the person's identity and that is of Ukrainian nationality.

The granting of a refugee status to a Ukrainian citizen shall take place after a special registration procedure, which starts with filing of an application and includes the following stages: 1) registration, 2) collection of personal data, 3) interview and 4) decision for granting of protection.

While the proceedings are ongoing, Ukrainian citizens are entitled to:

- stay on the territory of the country;
- social assistance under the rules for Bulgarian citizens;
- receive shelter and food;
- receive social welfare allowance;
- receive psychological support;
- health insurance and access to medical care;
- translator / interpreter;
- receive a registration card within three days of registration of the refugee, which serves as a type of ID and has a validity of 90 days.

After completing the proceedings and obtaining the relevant permit, a foreigner with granted refugee status has the rights and obligations of a Bulgarian citizen, except those expressly reserved.

3. Issuing of work permits to Ukrainian citizens in the Republic of Bulgaria

Third-country nationals (non-EU) who have been granted temporary protection for the duration of its period shall be **entitled to work without need of obtaining a work permit/authorization**, as explicitly provided in the Act on Labor Migration and Labor Mobility. Persons who have applied for international protection and the proceedings have not been completed are also entitled to access the labor market and may pursue employment on the territory of the Republic without a work permit, **after declaring unemployment with the Employment Agency (EA)**. Declaration of employment of Ukrainians enjoying rights under the Asylum and Refugees Act is carried out by the local employer who has hired them under an employment contract.

In the other hypotheses (not in the case of Ukrainian citizens with granted temporary protection), employment activity of third-country nationals on the territory of Bulgaria may be performed only after granting access to the labor market by the Employment Agency.

The work permit issued by the Employment Agency represents a ground for the issuance by the Ministry of Interior of visa “D” type (which allows stay in the country) and afterwards of a residence permit from the Migration Directorate, but only for the duration of the work permit.

More information, as well as templates of documents, may be found at the following link – <https://asylum.bg/home-dashboard-eng> – website prepared with the financial support of UNHCR and European Commission, available also in Ukrainian and English languages.

You may also access the following links for further systemized information:
<https://ukraine.gov.bg/> or <https://www.bghelsinki.org/bg/news/aktualna-informacija-za-vlizashtite-v-bylgarija-ukrainski-grajdani>

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