
Bulgaria Country Report

Work Package 2

Undocumented Worker Transitions

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1. Introduction

The democratic changes in Bulgaria, combined with the processes of globalisation, have completely changed its position in relation to migration. Before 1989 Bulgaria, like the other former socialist countries, was a closed country with limited emigration and immigration. After 1989 Bulgaria became part of the European and world migratory system, with an increase in migration flows. Incoming and outgoing flows were made up of transitory migrants, migrant workers, and those seeking asylum.

Immigration in Bulgaria differs from Western Europe, the USA and other developed countries. The phenomenon started later in Bulgaria and the number of migrants is still small in comparison to other European countries. Nevertheless, migration is now a part of Bulgarian society. The free movement of people became one of the main characteristics of democratic freedom. Migration flows have three basic dimensions, i.e. emigration, immigration and refugees. *Emigration flows* refer basically to emigration of Turks due to political and later to economic reasons, and emigration of highly skilled specialists and young Bulgarians who chose to emigrate to Western Europe, the USA and Canada. *Immigration* involves mainly migrants from the Near and Middle East, Afghanistan, China, and people from the former Yugoslav and Soviet republics. Migrants such as Syrians, Lebanese, Iraqis, Kurds, and Afghans are not new to Bulgaria, as there was migration from these countries in the 1960s and 1970s. For the Russians, Armenians, Ukrainians, etc. Bulgaria is also an option for migration. The statistics show that many people from neighbouring countries come, legally or illegally, to Bulgaria with the idea of obtaining or renewing Bulgarian citizenship, either to start a business, or as a bridge to other West European countries. Bulgaria, as a new EU Member State, has become an attractive country for foreigners. *Refugees* represent the third dimension of migration flows and they have increased 10-fold in the last 10 years. Presently their total number, however, is not very high compared to other European countries. IMIR's latest research found refugees to be a potential source of new migrants to Bulgaria (Krasteva, 2005).

Both legal and irregular migration flows can be observed in Bulgaria. Legal migration mainly occurs among the highly qualified, whereas irregular migration tends to involve those with lower qualifications. This is in response to labour market shortages in some economic sectors, which requires migrant labour to fill definite economic niches. These shortages are backed up by the demographic crisis in this country - during the past 15 years the Bulgarian population has decreased by about 1 million. It is likely that migrants will fill this gap in the future.

Migrants in Bulgaria may not fit the traditional image of a person who has come to try to make a living in a host country that is in a stable economic and political position. However this was not true for Bulgaria in the 1990s, when most migrants came to the country because of the economic opportunities of the transition to the market economy, and its initial accompanying shadow economy. Unlike migrants in Western Europe, there are hardly any migrants in a disastrous financial situation in Bulgaria; moreover very often they employ Bulgarians in their businesses, and the opposite phenomenon can occasionally be observed.

2. Summary of the immigration and employment legislative system

2.1 Historical account of immigration policies

Before 1989 Bulgaria, like the other former socialist countries, was a closed country with limited emigration and immigration. After 1989 Bulgaria became part of the European and world migratory system, with an increase in migration flows. Incoming and outgoing flows were made up of transitory migrants, migrant workers, and those seeking asylum.

In 2004 Bulgaria completed its negotiations for EU membership, which came into force in January 2007. The Bulgarian Parliament adopted new laws and regulations that are in compliance with EU migration legislation. The legal basis of Bulgarian migration policy consists of domestic legislation in the field of immigration control, based on international and European legal regulations.

2.2. Overview of current immigration legal framework

According to the Constitution of R Bulgaria, foreigners residing in the Republic of Bulgaria are vested with all rights and obligations proceeding from this Constitution, except those rights and obligations for which a Bulgarian citizenship is required by this Constitution or by another law (Art. 26, (2)). The Constitution states that foreigners residing legally in the country cannot be expelled or extradited to another state against their will, except in accordance with the provisions and the procedures established by law. The Republic of Bulgaria will grant asylum to foreigners persecuted for their opinions or activity in defence of internationally recognised rights and freedoms. Everyone is free to choose a place of residence and has the right to freedom of movement on the territory of the country and to leave the country. This right is restricted only by virtue of the law in the name of the national security, public health, and the rights and freedoms of other citizens (Art. 37 (1)).

The Foreigners in the Republic of Bulgaria Act (FRBA) of 1998 refers mainly to minorities whose members are not Bulgarian citizens. The Act of 1972 was amended in order to harmonize the national legislation with the existing European standards. According to the Law, there are three possible regimes

for foreigners to stay in Bulgaria: short term residence (up to 90 days); long-term residence with a permitted term of up to one year; permanent residence with unlimited term. With regard to the possibility for foreigners to work in the country, FRBA envisages the following: Those with permanent residence permits are under the regime applicable for Bulgarian citizens. Foreigners falling under the other two regimes of residence may work as well, but only after receiving permission from the Ministry of Labour and Social Policy (MLSP) and they are able to work only for the employer and for the term determined in the permission for work (Art.33 FRBA). The very expression of will by a foreigner to work after receiving permission from MLSP serves as a ground for that person to receive a long-term residence permit. Finally, it should be added that foreigners working in Bulgaria have all rights and obligations that Bulgarian citizens have, except if the internal legislation or an international treaty explicitly provide otherwise.

2.2.1 Family reunification

According to the FRBA provisions, a person may acquire a long residence permit if she/he has married a Bulgarian citizen or a foreigner permanently residing in the country and if the marriage has lasted for more than two years, permission may be given for permanent residence. The same law states that long-term permits can be obtained by foreigners who have retirement insurance, lodging, means of financial support, compulsory insurance and social securities as stated in the Bulgarian legislation. A long-stay residence permit may be acquired by the financially supported parents of foreigners with permanent residence status in the country and members of the family of a foreigner who has received permission for long-term stay in Bulgaria. Generally FRBA does not allow a residence permit granted on a certain ground to be extended to another, except in special cases. It is expressly stated that marriage to a Bulgarian citizen represents a special case. There are also provisions against sham marriages.

Individuals with the right to asylum or refugee status have the right to unite the members of their family if they sign a declaration that for the other family members there are no grounds for refusal of refugee or humanitarian status.

Individuals granted humanitarian protection are covered by the rules applying to foreigners with permanent residence permit (as described above). Their family members then have the same rights and obligations.

2.2.2 Asylum seekers and refugees

The Asylum and Refugees Act (ARA) entered into force at the end of 2002. The law brings national legislation into compliance with the requirements of the Geneva Convention 1951, the Protocol on Refugee Status 1967 and the EU legislation in the field of asylum and refugees. The law provides for the types of specific protection, procedures and conditions for granting asylum and refugee status to foreigners in Bulgaria. The provisions of the ARA pay special attention to individuals with specific needs, including women and unaccompanied minors.

According to the ARA, individuals that are granted asylum or have refugee status have equal rights in the labour market as all Bulgarian citizens. Restrictions apply to some political and civil rights, i.e. they may not participate in national and local elections, and in national or local referenda; they may not establish or become members of political parties; they may not occupy positions where the Law explicitly requires Bulgarian citizenship; and they may not serve in the Bulgarian Armed Forces. Foreigners are prohibited to work as state officers (State Officials Act) or in the Judicial System and in the system of the law enforcing agencies (Ministry of Interior Act).

2.2.3 Acquisition of Bulgarian Citizenship

Traditionally the Bulgarian Constitution regulates citizenship by applying the principle of the right of blood (*jus sanguinis*), rather than the principle of determining origin according to place of birth (the right of the soil or *jus soli*). The second is applied only as supplementary to the first. According to Art. 25 of the Bulgarian Constitution, a Bulgarian citizen is anyone born to parents, at least one of whom has Bulgarian citizenship. A person born on the territory of the Republic of Bulgaria may acquire Bulgarian citizenship only if s/he does not acquire other citizenship by virtue of origin. The possibility for naturalisation is also provided for with a procedure for persons of Bulgarian origin.

The Bulgarian Citizenship Act (BCA) of 1998 regulates the procedure for the acquisition, restoration and withdrawal of Bulgarian citizenship. Its provisions on acquisition of citizenship by origin and place of birth are in full compliance with those of the Bulgarian Constitution but are more detailed. According to the BCA, a child born on the territory of the country of foreign parents may acquire Bulgarian citizenship only where the country of origin of the parents adheres to the principle of *jus soli*. To acquire Bulgarian citizenship, s/he must meet the following requirements:

- To have reached the legal age of majority;
- To have been permanently resident in the country for at least five years;
- Not to have been sentenced for intentionally committed crime prosecuted ex officio by the state and not to be suspect or accused in a criminal procedure related to these type of crimes;
- To have income or occupation that allows him/her sufficient resources;
- To master the Bulgarian language;
- To have been freed by his/her former citizenship or to lose it at the moment of acquisition of Bulgarian citizenship.

There are certain categories of persons that are treated more favourably with regard to the above-mentioned requirements. Thus, individuals with the right to asylum or refugee status may become Bulgarian citizens in three years after the corresponding right/status has been granted to them and they do not have to lose their former citizenship. The same applies to foreigners permanently residing in Bulgaria that do not have any citizenship. Individuals born on the territory of the Republic of Bulgaria who have acquired a permanent residence permit before attaining majority may acquire Bulgarian citizenship after three years of permanent stay. But they still have to lose their former citizenship.

The Civil registration Act of 1999 regulates the terms and the procedures for civil registration of all Bulgarian citizens, foreigners permanently residing in Bulgaria, individuals who have refugee or humanitarian status, and individuals who have been granted the right to asylum on the territory of Bulgaria.

2.2.4 Other protection

The Law on Protection against Discrimination has been in force since 2003. According to this Law any direct or indirect discrimination on the grounds of gender, race, nationality, ethnic group, citizenship, origin, religion or belief, education, opinions, political affiliation, personal or public status, disability, age, sexual orientation, marital status, property status, or on any other grounds, established by the law, or by international treaties on which the Republic of Bulgaria is a party, is forbidden.

The Law on Combating Trafficking in Human Beings was adopted in 2003, which criminalizes all form of trafficking in human beings. The Government passed regulations concerning the establishment of shelters and centres for victims' assistance and protection.

2.2.5 Support by institutions

The Government has delegated all practical measures relating to migrants and refugees to the State Agency for Refugees, the Ministry of Labour and Social Policy, the labour offices and the regional employment offices. They work in close cooperation with the Sofia office of the UNHCR, the Refugee migration service of the Bulgarian Red Cross and some NGOs such as the Assistance Centre for Torture Survivors (ACET), which deals with people who were victims of torture, including migrants and refugees. The Bulgarian Helsinki Committee is another NGO defending migrants' human rights when violated by individuals or institutions.

Co-ordinated efforts for supporting the refugees include the following. First, refugees are included in a special programme of labour and social integration for migrants and refugees. Thus, all refugees are included in programmes for social consultation and integration; financial benefits are provided, as well as assistance in the process of registration in the labour market or enrolment of children at schools or training courses. The second step of the programme provides consultation to migrants on employment contracts or supporting entrepreneurship. An Integration Centre for Refugees has been functioning since 2001, which provides language skills and vocational training. The Ministry of Labour and Social Policy has developed a number of projects

targeted at groups with an unequal position in the labour market, including refugees.

2.3 Employment law framework for migrant workers

Labour migration is regulated mainly through domestic legislative acts. An important act is the Regulation on the Terms and Procedures for Issue, Denial and Withdrawal of Work Permits of Foreigners. Bulgaria adheres strictly to the principle of *equal treatment* of those foreigners who have been hired in respect to work conditions, payment, holidays, dismissal and so forth.

The basic law dealing with employment is the Labour Code (it does not have provisions for citizenship but only nationality and it can be interpreted restrictively in this respect). The labour and social security relations of foreigners hired on the territory of the Republic of Bulgaria by domestic employers are settled under the conditions of the Bulgarian labour and social security laws. The Bulgarian employment law framework also includes the following: *Health and Safety at Work Act*; *Settlement of Collective Labour Disputes Act*; *Act on Information and Consultation of Factory and Office Workers in Community-Scale Undertakings, Groups of Undertakings and European Companies*; *Health Insurance Act*; *Social Assistance Act*; *Family Allowances Act*; *Civil Registration Act*; and *Income Taxes on Natural Persons Act* (which explicitly states that refugees can benefit from tax concessions for children), and *the Employment Promotion Act*, which prohibits direct or indirect discrimination and provides for equal treatment of legally employed foreigners in terms of labour conditions, payment, dismissals, etc. According to this law, no permit is required for the employment of foreigners residing permanently in the Republic of Bulgaria, or of foreigners, who have been granted asylum, refugee status, a humanitarian status, or in other cases envisioned in a National Act or in an international treaty, to which the Republic of Bulgaria is a party.

Work Permits for foreigners can only be issued for the occupation of positions which do not have a mandatory requirement for Bulgarian nationality, and only: 1) according to the state, development, and public interest of the national labour market; and 2) provided that for the immediately preceding 12 months

the total number of foreigners employed by the domestic employer does not exceed 10 per cent of the average number of the people on the payroll, hired under labour agreements, who are Bulgarian nationals and/or foreigners, who have been granted asylum or refugee status. There is a separate law for EU foreigners, i.e. the *Entry, Stay and Leave of the Republic of Bulgaria of Citizens of the European Union and Members of Their Families Act*, which provides a more favourable regime than the Foreigners in the Republic of Bulgaria Act.

The *Employment Promotion Act* contains articles which allow the direct application of Council regulation (EEC) No 161268 of the free movement of workers within the Community, e.g. abolition of the permit regime and acquiring equal rights when applying for a job, as well as access to all services offered by the territorial offices of the Employment Agency. Foreign workers have the same social and tax benefits at the workplace as national workers. The labour and social security relations of foreigners employed by national employers are governed by Bulgarian labour and social security legislation. At present foreigners can be registered at an Employment Agency if they have a permanent stay permit or they have been granted asylum or refugee status.

2.4 Details of migrant registration and control processes

Amendments to the law were adopted in 2003 to create a Migration Directorate within the Ministry of the Interior as a specialist body exercising immigration control in Bulgaria. A new institution providing border control was also created.

2.4.1 State institutions exercising immigration control

The Migration Directorate is a unit of the Ministry of the Interior exercising administrative control over foreigners in Bulgaria. Its duties include the issue, denial and withdrawal of permits for both short-term and long-term residence in Bulgaria, collecting and analysing information on migration processes and proposing measures for regulating them, as well as taking measures against undocumented migrants.

Both the National Border Police Service and the Migration Directorate exercise immigration control. In addition a specialist Anti-Trafficking Task Force led by the National Service for Combating Organised Crime is responsible for gathering intelligence information on illegal trafficking.

2.4.2 Institutions dealing with the registering process

The following institutions are responsible for registering of migrants, and work in close co-operation with the above-mentioned representation of the UN Supreme Commissariat of Refugees in Sofia, the Refugees' Migration Office, the Bulgarian Red Cross and a number of non-governmental organisations:

- The Refugees State Agency;
- Ministry of Labour and Social Policy;
- The employment offices and the regional employment authorities;
- Ministry of Interior;
- Ministry of Justice.

The existing system for refugee protection provides for: 1) access to the country for people needing international protection; 2) access to legal proceedings for granting asylum and refugee status and application of the international standards for protection; 3) observing the refugees' rights and finding effective and lasting solutions; 4) positive change in public opinion regarding refugees' needs; 5) working in partnership between the state institutions, the UNHCR and NGOs.

The Bulgarian Identity Documents Act of 1999 was amended in 2006 in order to align the national regulatory framework in this area with EU legislation and to prescribe improvements in the country's automated ID issuing system. This law introduced procedures and conditions for the issue, usage and safekeeping of Bulgarian personal identification documents, including those for foreigners legally residing in the country. There is a special provision in the Act through which control and sanctions can be applied towards persons who have perpetrated administrative offences and criminal acts in other countries.

3. Statistical data on migration

3.1 Migration data from statistical sources

3.1.1 Emigration flows

According to the NSI data from the 1992 census the number of emigrants was about 250,000 for the period 1990-1992. During the following eight years (1993-2000) the annual average number of emigrants was smaller - about 27,000 annually, with a total number of emigrants for the period of 215,000. As a result of external migration the population of the country (7,385,367 according to the 2001 census) decreased by more than 715,000 during 1989-2002 (Demographic Development of R Bulgaria, 2005: 18-19)

Table 1. Emigration from Bulgaria 1989-2002

Period	Net migration
1989 [*]	218,000
1990 - 1992 ^{**}	252,700
1993 - 2000 ^{**}	215,300
2001 - 2002 ^{***}	30,000
TOTAL	716,000

According to research on potential emigration, conducted by the NSI in 2001 using the methodology of the International Organisation for Migration, 'long-term emigration' from the country numbers 754,000 people or 15 per cent of the population; 'short-term emigration' accounts for 231,000 people or 5 per cent of the population; and 10 per cent are in the category of 'other'. Their estimate of expected labour emigration is 12 per cent-15 per cent. If 12 per cent is accurate, the number of emigrants is expected to be about 48,900, and if it is 15 per cent, the expected number is 61,100. One can conclude that we cannot anticipate a pressure of emigration from Bulgaria that would destabilise the labour markets of other EU Member States, but it will open a niche in the Bulgarian labour market that is likely to be occupied by immigrants.

^{*} Data of the Ministry of Interior

^{**} Data based on the 1992 and 2001 censuses

^{***} Calculated data

3.1.2 Immigration flows

There is insufficient data on immigration flows in Bulgaria, as it does not keep systematic and officially accessible statistics on the number of foreigners, and the data obtained unofficially is scanty and contradictory. One can observe confusion over the classification of migrants, which leads to inaccurate calculations and conclusions. The latest publications on migration in Bulgaria (IOM, 2003; IMIR, 2005) do not keep to the categorisation of residence status used by the Foreigners in the Republic of Bulgaria Act, which classifies foreigners into short- and long-term residents, using their own classification of temporary, long-term and permanent residents. This leads to discrepancies in the estimates of the number of migrants in Bulgaria, varying between 60,000 and 108,000, as well as to big differences in assumptions about the number of illegally residing migrants in the country.

Data from the 2001 census does not provide information about migration flows into Bulgaria. It is not clear why more than 5,000 people who identified themselves as Arabs in the 1992 census do not figure in the 2001 data. The imprecise methods used in census taking become even more obvious from another survey of the NSI of 1 March 2001, in which almost 19,000 persons from other countries took part in internal migration within Bulgaria (settling in different towns and villages). On the basis of previous evidence (Zhelyazkova, 2005), most of them came from the Near and Middle East and China.

According to unpublished data of the Ministry of Interior from 2001, gathered through interviews, the number of foreigners with permanent permits is 43,630. About 24,000 have a residence permit for a maximum of one year. The largest number among permanent and long-term foreign residents in Bulgaria in 2002 were from Russia - 19,113, Syria - 1,780, Iraq - 390, Iran - 275, and Afghanistan - 129 (IOM 2003: 93). In 2002, also

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residence permits issued from 2001 to 2004, the NSI provided the following data at the end of 2004: the number of foreigners with permanent residence permits on 31 December 2004 was 50,756, of whom 3,200 received residence permits in 2004.

According to estimates by the Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, the total number of migrants in 2005 in Bulgaria is 104,076 (see Table 2) and is close to the number given by the Frontier police to the Ministry of Internal Affairs (110,000 persons).

Table 2. Trends in total migrant stock

	1990	1995	2000	2005
Estimated number of migrants - total	21,500	46,610	101,000	104,076
Estimated number of refugees	0	1,190	1,011	5,026
Population (thousands)	8,718	8,297	7,997	7,726
Estimated number of female migrants	12,463	27,006	58,519	60,302
Estimated number of male migrants	9,047	19,604	42,481	43,774
Migrants as a percentage of the population	0.2	0.6	1.3	1.3
Female as percentage of all migrants	57.9	57.9	57.9	57.9
Refugees as percentage of migrants	0.0	2.6	1.0	4.8

Source: Trends in Total Migrant Stock: The 2005 Revision

By residence status, the migrant community in 2005 was made up of 5,195 with refugee or humanitarian protection status (State Agency for Refugees) and 53,197 with permanent residence status (National Statistical Institute). This group includes not only those that work under a labour contract, but also their children, parents, persons that have invested more than \$US 500,000 and those who have worked in Bulgaria with a work permit for more than five years.

Table 3. Migrants with permanent residence status

	2004	2005	2006
Total as of 31 December	50,756	53,197	55,684
Number of those obtaining permanent residence status during the year	3,200	3,249	

Source: National Statistical Institute

At the end of 2006 the number of refugees and those with humanitarian protection decreased slightly to 4,958, while the number of foreigners with permanent residence status increased to 55,684 (Table 3). In 2006 14,694 foreigners received a long-term residence permit of up to one year, mainly for

continuing university education, carrying out commercial activities, marriage to a Bulgarian or foreign citizen with a permanent residence permit, family members of the foreign citizen with permanent residence permit, and foreign specialists.

In May 2007 the Ministry of Interior provided to the IMIR the following (somewhat unclear) data, to which we added the numbers highlighted in yellow for greater consistency (Table 4):

Table 4. Number of migrants in the R Bulgaria

Number for each year (not cumulative)	2003	2004	2005	2006	Total 1991-2006
1. NUMBER OF FOREIGNERS in Bulgaria, of them:	- (17,333)	25,297	22,928	29,145	- (94,703)
- with long-term residence permit	-	17,014	15,417	17,843	67,607
- with permanent residence permit based on marriage to a Bulgarian or foreign citizen	-	2,002	1,248	2,224	5,474
- with work permit on the basis of commercial activities	-	1,821	2,094	3,428	7,343
- students and other trainees		4,460	4,169	5,650	14,279

Source: Migration Directorate, Ministry of Interior (2007)

If we subtract from the number of foreigners for the respective year shown in Table 4 those with permanent residence permit (from Table 3), we get the number of those with a long-term permit for different reasons (education, commerce, etc.). If we add those numbers, we obtain the total number of (mainly documented) immigrants for the last three years (Table 5):

Table 5. Number of migrants in Bulgaria on 31 December

	2000	2001	2002	2004	2005	2006	2007
Number of migrants with permanent residence status	-	43,630	-	50,756	53,197	55,684	-
Number of migrants with long-term residence permit	-	-	-	23,295	21,680	26,921	-
Number of documented migrants with permanent and long term residence status	-	-	60,028	74,051	74,877	82,605	94,703
Number of refugees and those with humanitarian status			-	-	-	-	4,958
Total number of migrants	101 000	-	-	-	104,076 Frontier police: 110,000	-	-

Source: National Statistical Institute; Migration Directorate, Ministry of Interior (2007); Employment and working conditions of migrant workers — Bulgaria
<http://www.eurofound.europa.eu/ewco/studies/tn0701038s/bg0701039q.htm>

Available data for total number of migrants is only for the 2005 year –104,000 or 110,000 people (*Trends in Total Migrant Stock: The 2005 Revision*). The difference between this total number and the number of documented migrants for 2005 (29,199 or 35,123) gives us a number of short term and undocumented (or semi documented) immigrants. Having in mind that documented migration increased by 10 per cent from 2005 to 2006, we can assume that total migration increased even more (by 10,000 to 11,000), which gives a total number of 115,000 to 120,000 immigrants.

By nationality, Europeans (primarily from countries outside the EU) represent 69.8 per cent of migrants with permanent status, followed by citizens of Asian countries (13.9 per cent) (which in the NSI categorisation also include Armenia, rather than including it in the CIS). Additionally, small numbers of migrants with permanent status are from North and South America (1.2 per cent) and Africa (1 per cent). The majority of permanent foreign residents in December 2004 were from the CIS (61.6 per cent), from the Russian Federation in particular. The reason for this was the inheritance by the former regimes of the model of migration from East to East. In 2004 the number of people from the CIS wanting to settle in Bulgaria significantly reduced: they were only 33.9 per cent of permanently resident foreigners, while in previous periods they were 61.6 per cent. There is also a change in the pattern between new and old EU Member States: while the number of people from EU CEE member states who would like to settle in Bulgaria decreases, the number of people from Western Europe who would like to permanently settle in Bulgaria increases. Nevertheless, EU citizens represent only 8 per cent of foreigners who were granted permanent resident status in Bulgaria in 2004. The largest group of permanent residents from the EU are from the new Member States. Migrants from neighbouring countries are 9.5 per cent of all permanently resident foreigners; people without citizenship make up about 3 per cent of the permanently resident migrant community (mainly Kurds and Palestinians) (NSI 2005).

The sample published on the Demographic Development of R Bulgaria, shows that non-nationals from EU and the USA make up 12 per cent of foreigners, 4 per cent are from China, 3 per cent from Africa, 4 per cent from South and Central America and Far East, and 3 per cent from South and Southeast Asia (India, Bangladesh, Vietnam) (Demographic Development of R Bulgaria, 2005: 92).

In addition, the Ministry of Interior has provided data for three countries only on the distribution of foreigners with long-term and permanent residence permit.

Table 6. Long-term and permanent residence permits by country (number)

Country/years	2004	2005	2006	Total 1991-2006
Turkey	2320	2397	2954	7671
Russian Federation	1566	1262	1530	4358
China	908	578	280	1766

Source: Migration Directorate, Ministry of Interior (2007)

According to the survey on demographic development (Demographic Development in R Bulgaria, 2005: 91-92) conducted with 767 representatives of migrant communities in Bulgaria, 45 per cent have a permanent residence permit, 16 per cent have a long-stay residence permit (half of whom had been granted this status to carry out commercial activity) and 11 per cent have applied for asylum with humanitarian or refugee status. Foreigners with dual citizenship account for 5 per cent, and 6 per cent are people without legal status who reside illegally. From these statistics one can conclude that 13 per cent refused to say what their status was, and it can be supposed that it is either undocumented or semi-documented. 4 per cent have a short-stay residence permit but have been living in the country for three to four years.

Data on the profile of migrants in Bulgaria shows that around 60 per cent to 65 per cent are male. Younger age groups predominate (18-30 years old – 25 per cent; 31-40 years old – 32 per cent; 41-50 years old – 21 per cent; 50+ - 13 per cent, did not answer – 9 per cent). This profile replicates the migration flow of Bulgarians to foreign countries during recent years. The average educational level of migrants is much higher than the average for the country

(while 14 per cent of Bulgarians have higher education, among migrants this is 24 per cent) (Demographic Development in R Bulgaria, 2005: 91-101).

Most of the permanent foreign residents in Bulgaria have settled in the bigger city centres, which offer a more cosmopolitan atmosphere and better opportunities to find jobs and develop businesses. The capital, Sofia, and the second largest city, Plovdiv, are home to the largest migrant communities (33.6 per cent and 8.8 per cent respectively of foreign residents with permanent status are living in these two cities and their environs). Other urbanised centres with a significant number of migrants are the seaport towns and districts of Varna (8 per cent) and Burgas (4.9 per cent), followed by municipalities such as Stara Zagora, Pleven, Blagoevgrad, Pazardzhik, Russe, Veliko Turnovo and Shumen (NSI 2005:307).

3.1.3 Asylum seekers

Unlike the contradictory data on the total number of migrants, systematic statistics have been kept on the number of people who applying for asylum and receiving refugee or humanitarian status from the State Agency for Refugees. Registration of asylum seekers and refugees began in 1993. Statistics provided by the Bulgarian Government (the State Agency for Refugees, SAR) show that 15,530 people from 78 countries have registered since the asylum system started operating in Bulgaria.

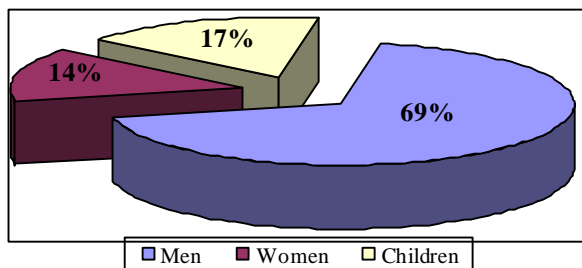
Table 7. Asylum statistics, Bulgaria 1990-2007

Year	Application submitted	Refugee status granted	Refugee status refusals	Humanitarian status granted	Prolonged humanitarian status	Terminated procedures	Terminated refugee/humanitarian status)	Total number of decisions
1993	276	0	0	0	0	0	0	0
1994	561	0	0	0	0	0	0	0
1995	451	73	6	14	0	28	0	121
1996	283	144	28	13	0	132	8	325
1997	429	145	28	2	0	88	0	263
1998	834	87	104	7	0	235	3	436
1999	1349	180	198	380	5	760	250	1773
2000	1755	267	509	421	65	996	17	2275
2001	2428	385	633	1185	164	657	36	3060
2002	2888	75	781	646	138	1762	9	3411
2003	1549	19	1036	411	7	528	20	2021
2004	1127	17	335	257	2	366	12	989
2005	822	8	386	78	0	478	2	952
2006	639	12	215	83	0	284	0	594
2007	139	1	27	24	0	25	0	77
Total	15530	1413	4286	3521	381	6339	357	16297

Source: State Agency for Refugees. Information for asylum seekers and decisions taken for the period 01.01.1993 - 28.02.2007 (In 1990-1992 - 210 persons were registered by UNHCR under its mandate pending the establishment of the government refugee authorities)

During the past 10 years Bulgaria accepted about 5.5 per cent of the 234,000 people who applied for asylum in the 12 countries of Central and Eastern Europe. During this period 1,413 people received refugee status; 3,521 were granted humanitarian protection; prolonged humanitarian protection was granted to 381; terminated procedures, including official termination (ex-officio) numbered 6,339; 357 resulted in terminated status, and there were 4,286 refugee status refusals. It can be concluded from these data that refugees and foreigners with humanitarian protection numbered 4,958 on 28 February 2007.

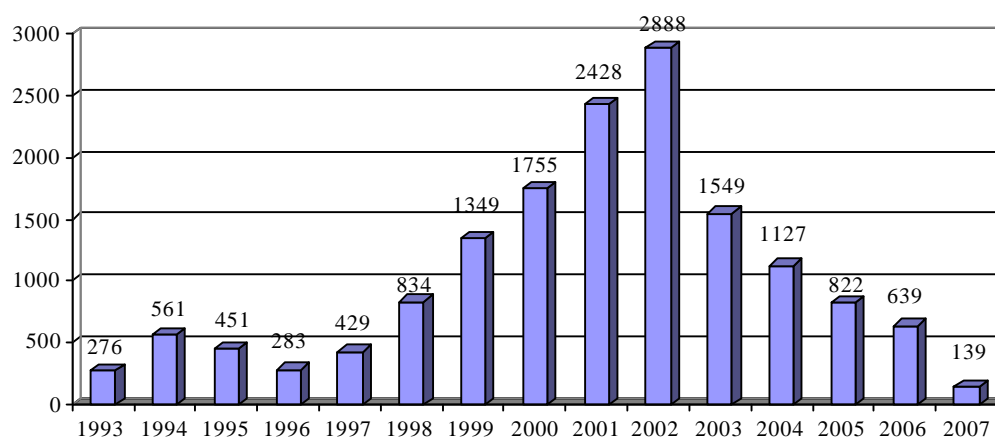
Figure 1. Asylum applications by gender (01.01.1990-28.02.2007)



The data shows that men are the highest proportion of asylum seekers (69 per cent), followed by children (17 per cent) and women (14 per cent). This data is consistent with migration patterns from most countries.

While Bulgaria gradually becomes more attractive to economic migrants, it is less and less attractive to those seeking asylum. This is a steady world trend and the latest figures show a drop to the lowest levels for 20 years in the number of asylum requests in the industrially developed countries (BBC News, 2006). In Bulgaria the number of asylum seekers grew steadily from 1996 (283 people) to 2,888 in 2002, and then fell suddenly to 639 in 2006. The main reason for this drop is the strengthened border control of legal and illegal migration related to European integration, as well as the cessation of the conflicts in the Balkans.

Figure 2. Asylum Applications in Bulgaria (01.01.1990-28.02.2007, by year) (total 15,530 persons)



Source: <http://www.unhcr.bg/stats/index.htm>

The largest number of asylum applications were submitted from Afghanistan - 5396, followed by Iraq - 3007, Armenia - 1608, Serbia and Montenegro - 763, Iran - 746, people without citizenship - 498, Nigeria - 443, Algeria - 348, Turkey - 331, and Bangladesh - 283. According to data published by the Demographic Development of R Bulgaria, 33 per cent of applications are from Russia, followed by Arabs from the Near East, then Kurds, Afghans and Iranians (Demographic Development of R Bulgaria, 2005: 92).

The Bulgarian Citizenship Directorate at the Ministry of Justice and the Office of the President also provide full and systematic data on the number of people who applied for or received Bulgarian citizenship. From February 2002 to November 2006, 24,949 people received Bulgarian citizenship by naturalisation. Only 2.3 per cent did not claim Bulgarian origin. The greater part of those who received Bulgarian citizenship were from FYR Macedonia (10,198), Moldova (8,594), Russia (1,339), the Ukraine (1,054) and Serbia and Montenegro (969) (Presidency of R Bulgaria 2006).

3.2 Estimates of undocumented migration

Some data gives an indication of the numbers of undocumented migrants in Bulgaria, but does not provide a full picture.

A sample of around 400 migrants were interviewed by the Manfred Wörner Foundation (2006). The profile of the sample is: 47 per cent have a permanent

residence permit, of which 28 per cent are based on marriage, and 7 per cent have acquired citizenship; 29 per cent have a long-term residence permit, of which 15 per cent have permission to carry out commercial activity; 6 per cent have humanitarian status or are refugees; 2 percent have a short-term, but permanently renewed, right of stay; and 1 per cent are without legal status. One might assume that the latter category is significantly higher, and include some of the remaining 15 per cent that did not answer this question.

The CSD experts' estimates (obtained through interviews) are that about 10-15 per cent of migrants are likely to be residing illegally in the country.

Data provided by experts at the Ministry of Interior on illegally residing foreigners focuses only on three countries, and is likely to be an underestimate.

Table 8. Illegally residing foreigners

Country/years	2004	2005	2006	Total 1991-2006
Afghanistan	175	95	116	386
Turkey	107	216	172	495
Armenia	86	145	79	310
Total	368	456	367	1191

Source: Migration Directorate, Ministry of Interior (2007)

There is some data on the number of those employed in the informal economy, which will assist in providing our own estimates of undocumented migrant workers at a later stage in this project. The Centre for the Study of Democracy found, in November 2004, that 9 per cent of interviewees in a national representative sample declared that they worked without a contract with their employer, which equates to 236,990 of all those employed at that time.

According to nationally representative research conducted by Vitosha Research (December 2006 - January 2007) the majority of businessmen interviewed (37 per cent) thought that the proportion employed without contract was up to 25 per cent, while another 28 per cent thought that the figure was up to 10 per cent.

The report of the Bulgarian Helsinki Committee found that employment among migrants in Bulgaria is 73.8 per cent, which is much higher than the average for the country (Bulgarian Helsinki Committee, 2006).

4. The impact and experience of undocumented migration

4.1. The impact of migration on labour markets

Regardless of the equal rights granted in legislation to refugees with official status, they do not, in fact, have a secure position in the labour market.

According to data from the Refugees' Agency, most of them have professions that are not in demand in the Bulgarian labour market.

Providing employment for refugees was difficult in 2000 due to the shrinking labour market and high unemployment rates, which were close to 20 per cent at that time. At the same time, the restructuring of the economy and implementation of new technologies imposed higher requirements for levels of professional and educational qualifications. Migrants may also face other problems related to language, lack of support from relatives and friends, lack of professional experience in Bulgaria, employers' preference for hiring people with longer experience, and difficulties in obtaining certificates of education and qualifications. For these reasons, refugees may be considered a marginal group in the labour market and need support through social programmes for labour and social integration. During the past two years, however, a progressive shortage in the labour force is observed in many economic sectors, i.e. manufacturing and tourism. Economic growth and migration from the country have made employers increase salaries and other benefits in order to keep their workers. Data show that pay in the private sector has increased faster than in the public sector. Low labour costs were regarded as an advantage of the Bulgarian economy during the last 15 years, but the situation has changed. In some sectors the shortage of labour has become so severe that the Bulgarian Chamber of Commerce took the initiative of collecting information from different enterprises and sectors on what kind of workers they needed, in order to 'import' them from the Far East.

From 1994 to the end of 2001, 2,205 work permits were issued to foreigners – mostly citizens of the USA (332), Turkey (169), the Ukraine (165), Russia (152), Greece (135), Yugoslavia (125), the Netherlands (19), and Belgium (31). By mid 2002, 4,758 foreigners were granted work permits

(Contemporary Development of Migration Policy in Bulgaria, 2002: 25). The majority were employed by foreign investing companies or qualified consultants, or working as teachers in high and higher educational institutions.

An analysis of the statistical data for June 2002 shows the following patterns of migration based on the reasons for stay:

- Foreigners who received long-term residence permits on the basis of registered trade activity – 4,758
- Foreigners who received long-term residence permits based on labour relations - 516
- Foreigners who received permanent residence permits after marrying a Bulgarian citizen or a foreigner with a permanent residence status – 2,397.

Greeks and Turks are predominantly entrepreneurs, traders and owners of companies, and many migrants from the Near and Middle East also have their own businesses.

Compared with 2003 the percentage of entrepreneurs among migrants has increased from 11 per cent to 17 per cent in 2006. The share of professionals (businessmen, free lance professions, etc) among migrants is the highest at 44 per cent. People with low levels of qualifications account for 38 per cent. Therefore, migrants are more actively present in the higher qualified end of the labour market. This data refutes the view that the greater part of migrants work in the 'grey' or shadow economy. 44 per cent claimed that they have full-time employment and 11 per cent part-time employment. 14 per cent identified themselves as unemployed and the rest were students – 6 per cent, household activities – 4 per cent, pensioners – 9 per cent, other – 3 per cent or did not answer – 9 per cent (Manfred Wörner Foundation, 2006).

Other data on employees by type of contract shows that the relative share of employees without any contract was twice as high in private enterprises (10.6 per cent), than the average for all enterprises (4.8 per cent). With the improvement in labour legislation there was a clear reduction in the number employed without contracts (from 4.8 per cent in 2000 to 4.0 per cent in 2003

for the whole economy, and particularly in the private sector – from 10.6 per cent in 2000 to 6.3 per cent in 2003). This tendency was expected to continue, but according to the Centre for the Study of Democracy¹, in 2004, 9 per cent of interviewees in a nationally representative sample declared that they worked without a written labour contract with their employer, accounting for 236,990 of all those in employment at that time. At the same time it is difficult to say how many migrant workers are without contracts, who may also be undocumented, as many Bulgarian workers and employees also work without labour contracts. The statistics do not account for those residing without authorisation who are employed by private foreign companies and are not subject to the law or the tax authorities, and very unlikely to be in trade unions.

4.2 Impact and consequences of undocumented migration

There are no studies on the experiences of undocumented migrants in Bulgaria, but the following research by the Manfred Wörner Foundation (2006) reveals public attitudes towards migrants, and migrants' own perceptions of living in Bulgaria.

The first survey of public attitudes towards migrant communities in Bulgaria was conducted in 2003, and the second in February 2006. The data is representative of the Bulgarian population aged 18 and over. The general conclusion is that 38 per cent of migrants surveyed can be defined as foreigners who have 'successfully integrated' into Bulgarian society, i.e. successful personal and professional lives, satisfied with their life, having good relations with Bulgarian society, and have no intentions to leave the country. Another 37 per cent are partially integrated (they speak Bulgarian to a certain extent, have good relations with Bulgarians, would not easily leave the country, they would like to be more successful in Bulgaria but they are not happy with their status). The third group identifies itself as a marginalised community (they do not speak Bulgarian, they have no regular work and

¹ <http://www.csd.bg/en/econ/fileSrc.php?id=1571#261,11>, Наличие на писмен договор с работодателя (Presence of written labour contract with the employer).

incomes, their life is enclosed within the migrant community and they are ready to leave the country).

The data shows that, using the terminology of 'positive feelings', Bulgarians felt most positive towards Western Europeans, Russians, Macedonians, Serbs, Americans, and Greeks. Positive attitudes are also expressed towards Jews, Chinese, and Turks. Antipathy prevails towards Arabs, Afghans, Albanians/Kosovans. This may be connected to belief about the increasing threat of terrorism that is associated in public perceptions with Islamic fundamentalists, Chechens, Albanians, etc. They all, however, are in a much better situation compared to the second largest minority in Bulgaria – the Roma who are lastingly in the focus of the ethno-cultural antipathies for the majority of Bulgarians and Bulgarian Turks. As a whole, the study concluded that Bulgarians are quite tolerant of foreigners in the country and the tendency is for more and more Bulgarians to have contacts with migrants (Manfred Wörner Foundation, 2006).

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