

LABOUR AND SOCIAL JUSTICE

TEMPORARY HOME OR FINAL DESTINATION?

Situation of migrant workers in Bulgaria

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Our research analyzes the trends of labour migration in Bulgaria and the situation of migrant workers coming through the entry points of employment agencies and international higher education programs.



Migrant workers sent by employment agencies are concerned about the wage difference between them and Bulgarian workers and the lack of guaranteed free time.



Migrant workers who entered the country as students are fairly well integrated in Bulgarian society. However, entering the labour market is challenging due to the current migration framework.

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Multii7luX
Collective

EXECUTIVE SUMMARY

- In order to navigate the constantly changing patchwork of norms that make up Bulgaria's national migration policy, migrants rely on the help of intermediaries, such as professional recruitment agencies, lawyers, NGOs, university representatives or local friends and diaspora members, in order to access the Bulgarian labour market or settle in the country.
- The significance of intermediaries, both registered agencies and other private actors, increases when it comes to recruitment for seasonal work. They generally participate in the whole recruitment and administrative process, including preparing most of the documents required, organising transport and informing migrants about their future work place and contracts. In accordance with the law, intermediaries do not charge seasonal workers for their services. However, migrants' experiences vary when it comes to the expenses incurred, such as transport costs and insurance, which should be covered by employers.
- Seasonal workers are generally employed on the basis of labour contracts, which means that the persistent illegal practice of arranging the seasonal work of foreign nationals in the form of internships has been limited in this area. Overall, migrant workers are content with their working and housing conditions, as well as by the attitudes of their Bulgarian colleagues. The main issues workers emphasise concern the wage difference between them and Bulgarian workers, as well as delays in payment of wages in a few instances, and the lack of guaranteed free time.
- As seasonal workers can work in Bulgaria only for up to nine months, none of them planned to settle in Bulgaria. They therefore have limited options for future migration: continue to circulate between Bulgaria and their country of origin, look for opportunities elsewhere or enter the country on different grounds.
- Institutions of higher education play a role as entry points to the Bulgarian labour market. Nevertheless, upon entry foreign students face significant challenges related to the low administrative capacity of the Bulgarian migration system, such as the lack of English-speaking staff at various state institutions dealing with migrants, as well as inefficient day-to-day organisation.
- Most migrants who had entered Bulgaria as students were satisfied with their current jobs and businesses, and considered that the country offers good opportunities for professional growth and economic development. However, they reported several cases of discrimination related to their (in)ability to speak Bulgarian or their immigration status.
- Migrants who used higher education as an entry point to the Bulgarian labour market were fairly well integrated in Bulgarian society and were generally planning to settle in the country permanently. However, entering the labour market after finishing their education is challenging due to the current migration framework.
- One positive development is the implementation of the EU Students' and Researchers' Directive, which allows students to stay and look for jobs for nine months after they graduate. Unless they manage to secure the so-called Blue Card, however, they are required to leave the country and re-apply for a work permit. This policy of having to exit the country in order to switch between visas and statuses is described as the biggest problem by foreigners who enter Bulgaria as students.
- Foreigners of Bulgarian origin and highly skilled migrants, holding Blue Cards, are currently the only two groups who can choose to settle in Bulgaria without the disruptions inherent in the current migration system. Other migrant workers need to exit the country after they have reached the maximum allowed period of three years and re-apply from abroad, which makes their access to settlement challenging.

CONTENTS

EXECUTIVE SUMMARY	3
INTRODUCTION	6
CHAPTER 1. CONTEXT AND POLICIES ON THE ADMISSION OF MIGRANT WORKERS	7
Overview of national context and immigrant population in Bulgaria	7
Political situation	7
Economic situation	8
Demographic structure	8
Public opinion on migration	9
Policy context	9
State policies on foreign labour recruitment	11
Institutional framework and decision-making	11
General legal framework for admission of migrant workers	12
Work permits	13
Naturalisation of foreigners	14
Entry points for migrant workers: case study selection	14
CHAPTER 2. ENTRY POINTS FOR MIGRANT WORKERS	16
Entry of seasonal workers in the tourism industry with the support of job intermediaries	16
Reasons for choosing Bulgaria	16
The role and position of intermediaries	16
Fees charged by intermediaries	17
Working conditions, remuneration and contracts	18
Problems related to seasonal worker recruitment	19
Interaction with locals and discrimination	19
Stage of the migration process and future plans	19

Entry of students in higher education	20
Reasons for choosing Bulgaria	20
Role of national policy towards foreigners of Bulgarian origin and other support networks	20
Interactions with public institutions	22
Working while studying	22
Transition to the labour market after graduation and self-employment	23
Working conditions	24
Life in Bulgaria	25
Stage of migration process and future plans	25
CONCLUSION	26
Policy recommendations	27
Annex: Tables and figures	29
References	32
About the authors	33
Impressum	33

INTRODUCTION

The main objectives of the comparative research project **“Migrant Workers’ Perspective in Hungary, Poland, Romania and Bulgaria?”** are to shed light on policies on migrants’ employment¹ in four countries in the Central and Eastern European region – Bulgaria, Hungary, Poland and Romania – and, by mapping regional similarities and differences, to create a common knowledge-base for policymakers and other stakeholders working in this field. Like most countries covered by this research, Bulgaria is slowly changing its profile, from a country of emigration and transit migration, to a country of immigration in need of foreign labour. This report aims to contribute to a better understanding of the policy frameworks on migrant employment shaped by the interplay of national and European legislation, and to establish whether they allow for settlement in the Bulgarian society or rather encourage secondary movement to other EU countries and circular migration. Another objective is to give voice to the migrants who are subject to these policies and examine how they experience them and how they shape their lives. To that end, the report analyses two different entry points chosen as case studies on the basis of a mapping exercise in order to understand migrants’ situation, motivation and possibilities when it comes to accessing the Bulgarian labour market. Last but not least, this report aims to support Bulgarian policymakers in evaluating the National Strategy on Migration, Asylum and Integration (2015–2020) and to provide policy-relevant evidence in preparation of the next National Strategy covering the period after 2020.

The first part of this report is based on desk research and provides an overview of Bulgaria’s political, economic and demographic situation over the past decade, its legal and policy framework on migrants’ access to the labour market, as well as public opinion on migration.²

The second part of the report focuses on an analysis of migrants’ experiences of studying, working and living in Bulgaria on the basis of 20 interviews – 16 with migrants and four with stakeholders – conducted in August 2019, aimed at identifying potential legal and policy gaps and challenges that are hampering their contribution to Bulgarian society. It focuses on two main entry points for migrants, which are relatively new and still under-researched. The first category is admission to the country with the support of job intermediaries in the tourist industry. These are relatively new players when it comes to migrant worker recruitment, responding to recently increasing demand for foreign labour. The second category chosen is the admission of migrants as university students who studied full-time at a Bulgarian university and started to work while their studies were still on-going or after they graduated. In addition, there is a special focus on foreign citizens of Bulgarian origin as they can benefit from facilitated admission and targeted programmes, which distinguishes them from other foreign students.

Finally, the report makes a set of policy recommendations aimed at feeding policy discussions and further developments at national and EU level.

¹ Throughout the text, ‘migrants’, ‘third country nationals’ and ‘foreigners’ will be used as interchangeable terms meaning ‘non-EU citizens’.

² The report is up to date as of December 2019.

CHAPTER 1.

CONTEXT AND POLICIES ON THE ADMISSION OF MIGRANT WORKERS

In the first chapter of this report we present and discuss the political, economic and demographic situation in Bulgaria. This chapter also focuses on migration trends and the policy and legal frameworks developed in the field of labour migration, as well as Bulgarian public opinion on migration.

OVERVIEW OF NATIONAL CONTEXT AND IMMIGRANT POPULATION IN BULGARIA

Bulgaria has around 7 million inhabitants.³ Due to negative natural growth and migration processes, it has lost about 2 million, or 22 per cent, of its population since 1985, when the total population was about 9 million.⁴ The United Nations (UN) has listed the country as one of 'the fastest shrinking nations' and predicted that by 2050 Bulgaria will lose more than 20 per cent of its inhabitants, falling to about 5.5 million (UN, 2019). On 1 January 2019, about 81,000 non-EU foreigners were permanently living in Bulgaria, which is about 1.15 per cent of the total population.⁵ Most have permits issued for family reasons, work, studies or some other reason. The biggest immigrant groups are from Russia (about 24,300), Turkey (about 15,700) and Syria (about 13,500).⁶

Even though the immigration of non-EU citizens is increasing steadily, it has not been able to compensate the higher level of Bulgarian emigration: in 2019, registered net migration remained negative.⁷ The largest group of Bulgarian emigrants is aged 20–49 (about 65 per cent in 2019), which is a major loss of demographic, social, edu-

cational and democratic capital and is also needed to sustain and develop the country's economy and provide for the welfare system (See Table 1 in the Annex).⁸

POLITICAL SITUATION

In the past 10 years Bulgaria's political life at national and local level has been led by the GERB party (Citizens for the European Development of Bulgaria), which is described as a pro-European and conservative party of the centre-right. It's a member of the European People's Party and currently has seven representatives in the European Parliament (2019–2024), which makes it the biggest group according to the Bulgarian quota of 17 MEPs.⁹ GERB has formed three national governments, some with the support of coalition partners, all led by its leader Boyko Borisov (2009–2013, 2014–2017 and from 2017 until the present). The current Bulgarian government comprises a coalition between GERB and the populist coalition United Patriots (UP), whose platform is based on nationalism, national conservatism, soft Euroscepticism, and anti-immigration. Two of the UP leaders are Deputy Prime Ministers with responsibility for Economic and Demographic Policy, and for Defence. The Bulgarian Helsinki Committee's Human Rights Report in Bulgaria 2017 highlights that: 'For the first time since the beginning of the democratic transition, blatantly antidemocratic formations have landed in the government, having entered politics through the use of anti-Roma, anti-migrant, anti-Semitic and homophobic rhetoric' (Bulgarian Helsinki Committee, 2017). In the period 2007–2019 Bulgaria was monitored by the European Commission through the Cooperation and Verification Mechanism (CVM) to support the country's progress in the fields of judicial reform and the fight against corruption and organised crime. At the same time, Bulgaria's latest ranking in the Reporters without Borders' World Press Freedom Index continued to drop, falling from 87

³ National Statistical Institute, Population as of 31 December 2019, <https://www.nsi.bg/en/content/6704/population-districts-municipalities-place-residence-and-sex>

⁴ National Statistical Institute, Census, <https://www.nsi.bg/Census/SrTables.htm>

⁵ Eurostat, Population on 1 January 2019 by age group, sex and citizenship, <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

⁶ Eurostat, Population on 1 January 2019 by age group, sex and citizenship, <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

⁷ National Statistical Institute, International Migration in 2019 by Age and Citizenship Of Migrants, <https://www.nsi.bg/en/content/13040/international-migration-age-and-citizenship-migrants>

⁸ National Statistical Institute, International migration by sex and age 2019, <https://www.nsi.bg/en/content/6697/international-migration-age-and-sex>

⁹ European Parliament, Members of the European Parliament, Bulgaria, <http://www.europarl.europa.eu/meps/en/search.html?political-Group=4271&country=BG>

in 2013 to 111 out of 180 in 2019, which is also indicative of the political situation.¹⁰

ECONOMIC SITUATION

Bulgaria has the lowest gross domestic product (GDP) per capita in the EU.¹¹ The economy has been growing steadily since 2013, however. Gross value added (GVA) has been gradually increasing, from about 36 billion euros (EUR) in 2013 to EUR 45 billion in 2017. The structure of gross value added remained almost the same in the period 2013–2019 – about 70 per cent in services, 25 per cent in industry and 5 per cent in agriculture.¹² Real GDP growth rate increased from 0.3 to 3.4 per cent between 2013 and 2018. This increase is significantly higher than the EU 28 average¹³ (see Tables 2 and 3 in the Annex).

For a long period, the unemployment rate of the active population was one of Bulgaria's biggest social problems, especially youth unemployment. Until 2015 it was about 1–2 per cent higher than the EU 28 average¹⁴ (see Table 4 in Annex). In 2015 it started to drop, however, and in 2019 it stood at 4.2 per cent, compared with the EU 28 figure of 6.0 per cent. Several factors have changed the situation in recent years. The economy has continued to grow, but more workers leave the market every year (due to retirement or emigration) than enter it (reaching working age and immigration). As of 31 December 2019, every 100 workers leaving the labour market were being replaced by only 66 new workers.¹⁵ In comparison, in 2001 when 100 workers left the labour market they were replaced by 124 workers.¹⁶ There is also an observable mismatch between vocational and higher education and market needs.

Business organisations have been particularly vocal on the labour shortage issue and regularly call for facilitated labour market access for migrants. The global ManpowerGroup survey from 2018 puts Bulgaria fifth in the world among countries facing 'most difficulties' in filling job positions (ManpowerGroup, 2018). The Association of Industrial Capital in Bulgaria has estimated that since 2015 the country has been experiencing its highest labour shortage in the past 30 years in various sectors, both for high-

skilled and low-skilled workers.¹⁷ In December 2017, the Association calculated that the Bulgarian economy was going to need 500,000 foreign workers in the next five years.¹⁸ Since 2018 the Employment Agency has been conducting a half-yearly Labour Needs Survey with more than 5,000 active employers from all economic sectors and their labour force needs (Employment Agency, 2018a). In 2018, more than 60 per cent of employers stated that they would be seeking new workers in the next six months (Employment Agency 2018b). The sectors with the biggest shortages were industry, trade, tourism, construction and agriculture (Employment Agency, 2018a; Employment Agency 2018b; Employment Agency 2019a; Employment Agency 2019b). When it comes to high-skilled workers, labour shortages were expected in the IT, engineering and economic sectors.¹⁹

DEMOGRAPHIC STRUCTURE

Bulgaria's population was growing steadily until 1985, when it reached its peak of nearly 9,000,000.²⁰ Since then it has been declining, however, and the 2011 census showed that it had fallen to about 7,350,000.²¹ According to recent National Statistical Institute data there has been a decline of more than half a million in the total population in the past eight years, from about 7,500,000 in 2010 to 6,951,482 in 2019.²² The birth rate dropped from about 76,000 live births in 2010 to about 61,500 in 2019.²³ The mortality rate in the same period remained almost the same, at about 109,000 per year in the period between 2010 and 2019.²⁴

Bulgaria is also characterised by a continuous process of population ageing. By the end of 2019 the proportion of the total population aged 65 or over was 21.6 per cent.²⁵ This trend naturally affects the distribution of Bulgaria's population under, at and above working age.²⁶ The below working age population increased by 0.6 per cent compared to the total population from 2010 to 2019. The

¹⁰ Reporters without Borders, World Press Freedom Index 2019, <https://rsf.org/en/bulgaria>

¹¹ Eurostat, GDP per capita in PPS, <https://ec.europa.eu/eurostat/data-browser/view/tec00114/default/table?lang=en>

¹² National Statistical Institute, GDP and GVA by economic sector and region, <https://www.nsi.bg/en/content/5493/gdp-regions>

¹³ Eurostat, Real GDP growth rate – volume, last updated 31-10-2019, <https://ec.europa.eu/eurostat/data-browser/view/tec00115/default/table?lang=en>

¹⁴ Eurostat, Unemployment by sex and age – annual average, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une_rt_a&lang=en

¹⁵ National Statistical Institute, Population and demographic process in 2019, https://www.nsi.bg/sites/default/files/files/pressreleases/Population2019_XE8MEZL.pdf

¹⁶ Ibid.

¹⁷ Interview with Vasil Velev, chairperson of the Association of Industrial Capital in Bulgaria <http://epicenter.bg/article/Vasil-Velev--80-000-rabotnitsi-ot-chuzhbina-sa-nuzhni-v-momenta--500-000-zasledvashtite-5-godini/142422/11/0>

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ National Statistical Institute Census, <https://www.nsi.bg/Census/SrTables.htm>

²¹ National Statistical Institute, Census 2011, <https://www.nsi.bg/census2011/newsbg.php?n=68>

²² National Statistical Institute, Population as of 31.12.2019, <https://www.nsi.bg/en/content/6704/population-districts-municipalities-place-residence-and-sex>

²³ National Statistical Institute, Live births in 2019, <https://www.nsi.bg/en/content/6623/live-births-districts-municipalities-and-sex>

²⁴ National Statistical Institute, Death in 2019, <https://www.nsi.bg/en/content/6631/deaths-districts-municipalities-and-sex>

²⁵ National Statistical Institute, Population and Demographic Processes in 2019, https://www.nsi.bg/sites/default/files/files/pressreleases/Population2019_XE8MEZL.pdf

²⁶ Ibid.

number of the working population compared to the total population has decreased from 62.6 per cent in 2010 to 59.8 per cent in 2019. At the same time, the above working age population increased from 22.7 per cent in 2010 to 24.7 per cent in 2018. Finally, emigration is an additional factor in the worsening of Bulgaria's demographic structure. According to expert estimates, the number of Bulgarians residing outside the country is close to 1.1 million (Angelov and Lessinki, 2017, p. 9).²⁷ The high emigration rate is due mainly to Bulgaria's socio-economic profile. For example, it has the lowest GDP and lowest wages in the EU, but also high levels of corruption, and low-quality education and health care.

PUBLIC OPINION ON MIGRATION

Bulgaria has among the lowest percentages of immigrants in the EU. Nevertheless, Bulgarians tend to believe otherwise. According to a 2018 EU-wide Eurobarometer survey they believe that 11 per cent of Bulgaria's population are immigrants, while the percentage is actually less than 2 per cent.²⁸ The study also revealed that Bulgaria is the most hostile EU country towards migrants: only 15 per cent of respondents replied positively to the question whether they would accept a migrant as a colleague, doctor, neighbour or family member.²⁹ This is far below the EU average of 57 per cent.³⁰ This paradox clearly owes a great deal to xenophobic anti-immigrant political discourse and the wide dissemination of fake news that has been intensifying in recent years (Krusteva, 2019). Such discourse has been widely used by many political actors, not just on the far right, but also mainstream parties, including in the presidential campaign of the current president Rumen Radev which was supported by the Bulgarian Socialist Party (ibid). At the same time, more than 90 per cent of respondents in the 2018 Eurobarometer survey stated that they did not personally know any migrants, had not spoken to any and even had not seen any.³¹ In addition, only 17 per cent were 'somewhat informed' about the matter.³² Half of the respondents believed that migration created problems, while only 6 per cent believed it could create opportunities.³³ The upshot is that 70 per cent of Bulgarian respondents feared that migrants would become a burden on the social security system and

increase the crime rate. Some 51 per cent were also afraid that migrants would take their jobs. Only about one-third of respondents believed that migrant workers can help in dealing with the national labour shortage, while more than half strongly disagreed with this. In comparison, about 70 per cent of EU citizens on average believed that migration was boosting the EU economy.

POLICY CONTEXT

Bulgaria's migration policies were developed in the context of the Europeanisation process that started after 1989, which marked the beginning of the country's transition to democracy (Markova and Vankova, 2014; Vankova, 2018; Vankova, forthcoming). During this period migration legislation underwent continuous amendments and adjustments (Daskalova and Lewis, 2008, p. 81). National migration policy was established as public policy at strategic level just after Bulgaria's accession to the EU in 2007 (Krusteva et al., 2011, p. 11; Vankova, 2009, p. 56). The country has developed four national migration strategies since 2007 (see Vankova, 2018). The National Strategy on Migration and Integration (2008–2015)³⁴ claimed to establish the ground for the development of a consistent national policy on managing migration and integration. The second strategy in this field, the National Strategy in the Field of Migration, Asylum and Integration (2011–2020),³⁵ was developed as part of the efforts of the Bulgarian government to meet the requirements for accession to the Schengen Area (Markova and Vankova, 2014, p.42). In 2014 and 2015, another two strategies were developed, mainly in response to the refugee crisis sparked by the Syrian conflict.³⁶

According to the 2008 Strategy, Bulgarian immigration policy's aim was to support economic development (Strategy, 2008, pp. 4, 17). It pursued two strategic goals: to encourage Bulgarian citizens and foreign nationals of Bulgarian origin (*лица с български произход*) to return and settle permanently in Bulgaria; and to develop and implement a modern policy on accepting third-country nationals with a view to supporting the Bulgarian economy and regulating and controlling migration processes (Vankova, 2011, p. 73). The first strategic goal was identified as a national interest which required active efforts to attract foreign citizens of Bulgarian ethnic origin, living in countries such as the Czech Republic, Slovakia, Romania, Hungary, Serbia, Moldova, Ukraine and Croatia, where they had gained the status of national minorities (Strategy, 2008, p. 6; Vankova, forthcoming). North Macedonia was the country with the biggest Bulgarian community in the Balkans (Strategy, 2008, p. 5; Vankova, forthcoming). These

²⁷ This number is also close to the UN data, according to which there were 1.2 million Bulgarians living abroad as of 2015 (Total international migrant stock; Table 16. Total migrant stock at mid-year by origin and by major area, region, country or area of destination, 2015, <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml>).

²⁸ Eurostat, special Eurobarometer survey 469 on 'Integration of immigrants in the European Union', https://ec.europa.eu/home-affairs/news/results-special-eurobarometer-integration-immigrants-european-union_en

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Национална стратегия на Република България по миграция и интеграция (2008-2015 г.)

³⁵ Национална стратегия в областта на миграцията, убежището и интеграцията (2011-2020 г.)

³⁶ A detailed presentation of these strategies fall outside the scope of this report. For more information see Vankova et al. (2017).

foreign citizens were one of the Strategy's target groups because they 'would have fitted without any difficulties into Bulgarian society due to their knowledge of the Bulgarian language, customs, and culture' (Strategy, 2008, p. 17; Vankova, forthcoming).

In line with this first strategic goal, the country has developed numerous policies to attract and retain foreign citizens of Bulgarian origin, ranging from facilitated access to the labour market, to scholarships to study in Bulgaria, as well as facilitated access to Bulgarian citizenship (Vankova, forthcoming). For example, Article 15, para 1 (1) of the Act on Bulgarian Citizenship (ABC)³⁷ exempts persons of Bulgarian origin from most of the requirements under the general naturalisation regime (ibid). The State Agency for Bulgarians Abroad is the body certifying Bulgarian origin, among other things, on the basis of birth certificates of applicants' parents and grandparents, their mother tongue, membership of a Bulgarian church or school, or the former Bulgarian citizenship of their parents (Smilov and Jileva, 2009, p. 225).

The shortage of skilled specialist workers in different sectors explains the second strategic goal (Strategy, 2008, p. 21). This was the first time that the issue of meeting labour demand through immigration emerged (Krasteva et al., 2011, p.5). The government's plan was to pursue a 'balanced approach' based on the EU's circular migration approach, that is, the return of immigrants to their country of origin after the expiry of their employment contract had to be regulated in advance (Vankova, 2011; Vankova, forthcoming).

Bilateral agreements for foreign labour recruitment were the main policy instrument for the management of labour migration before as well as after the fall of the Communist regime (Vankova 2018; Vankova, forthcoming). This was the preferred way to resolve labour market problems, to regulate labour migration and, at the same time, to limit discrimination against Bulgarian workers in foreign labour markets (SOPEMI 1993, p. 117), which also explains why this instrument was among the 2008 Strategy's main policy mechanisms concerning the admission of third-country nationals (Vankova, forthcoming). A template of such draft agreements was developed and sent to Moldova, North Macedonia, Ukraine and Armenia, which have communities of people of Bulgarian ethnic origin, and a process of consultation was initiated (Vankova, 2011, p.79). Because of the decline in labour demand as a result of the economic crisis in 2008, however, no agreements were signed.

The last National Strategy in the field of Migration, Asylum and Integration (2015 – 2020) was adopted in 2015.³⁸ It merged the three previous national strategies adopted

since 2008 and updated them in light of the 'refugee crisis' (Ilareva, 2015). The national migration policy's strategic goals concerning legal immigration remained largely unaltered, however. The 2015 Strategy stresses that Bulgaria had to temporarily apply stricter rules of access to the Bulgarian labour market in order to reduce the number of work permits issued and tackle rising unemployment as a result of the economic crisis (Strategy, 2015, p. 37; Vankova, forthcoming). It states nevertheless that bilateral labour migration agreements with specific third countries remain the main instrument for foreign labour recruitment when Bulgaria's economy recovers (ibid). They are drafted as framework agreements based on the national legislation of the contracting parties, which means that they can be used to recruit workers from different sectors, such as seasonal workers. The Eastern Partnership countries are again among the countries considered most suitable for concluding such agreements (Strategy, 2015, p. 37; Vankova, forthcoming).

The 2015 Strategy highlights that the EU legislation in the field of legal migration, such as the Blue Card and the Single Permit Directives, are not considered sufficient to enable Bulgaria to compete economically and socially with other EU Member States, as well as with global competitors, such as the USA, Canada and Australia in the race to attract the best specialist workers (Strategy, 2015, p. 39; Vankova, forthcoming). Therefore, the country plans to implement special measures to attract highly qualified migrants and modernise the legal migration framework by actively involving trade unions and employers' organisations in decision-making.

In addition, the 2015 Strategy mentions that foreigners who have studied in Bulgaria are a potential group of migrants wishing to settle permanently in the country. This is due to their acquired specialties, their proficiency in the Bulgarian language and their relatively high degree of integration in Bulgarian society during their education. The Strategy does not mention any specific retention measures for this group, however.

Against the backdrop of demographic decline, which is mentioned in the Strategy as a problem (Strategy, 2015, p. 6, p. 33), the lack of a clear migrant retention and integration policy is one of the biggest shortcomings of the current policy framework. Currently, migrant workers cannot stay in Bulgaria for more than three years, unless they can access Blue Card permits or are foreigners of Bulgarian origin (Vankova 2018; Vankova forthcoming). At the end of the three-year period, they have to exit Bulgaria and follow the procedure of obtaining a new visa and a new work or/and residence permit, which could last for up to 3–4 months. Such disruptions create challenges for accessing EU long-term or permanent residence and settling in the country (Vankova 2018; Vankova forthcoming).

Furthermore, at present, migrants benefit mainly from rights derived from EU law and ad hoc integration support through EU funding. The administrative procedures are

³⁷ Закон за българското гражданство (SG No 136/18 November 1998, last amendment SG No 77/18 September 2018).

³⁸ Национална стратегия в областта на миграцията, убежището и интеграцията (2015-2020 г.).

cumbersome and in general the quality of EU law transposition is not precise enough (Vankova 2018; Vankova, forthcoming). This requires additional amendments of the national legal framework and creates legal uncertainty, as well as hurdles for migrants and their families, and local employers. Such policies are not in line with the 2015 Strategy's aims of attracting the best foreign specialists, or part of a modern legal migration framework.

Another shortcoming is the lack of publicly accessible data on work and residence permits, which is of crucial importance for the development of an evidence-based policy. To sum up, the ambitious policy that Bulgaria has established on paper is still not backed up by a modern and efficient migration law framework, which can support its implementation, and requires prioritisation of the retention and settlement of migrants who are needed in the Bulgarian labour market.

STATE POLICIES ON FOREIGN LABOUR RECRUITMENT

In line with the latest 2015 Strategy in the field of Migration, Asylum and Integration (2015–2020), the Act on Labour Migration and Labour Mobility (ALMLM) was adopted in 2016.³⁹ It provided for a possibility to conclude bilateral labour migration agreements (**спогодби за регулиране на трудовата миграция**) in Chapter 5. As envisaged by the last 2015 Strategy, priority is to be given to countries with which there are ongoing negotiations on social security coordination agreements or social security agreements already signed (Article 62 (3) of the ALMLM). So far, three bilateral labour migration agreements have been concluded, with Armenia, Moldova and Georgia (National Council on Migration and Integration, 2018, p. 3). Negotiations on draft agreements are under way with Ukraine and Belarus (National Council on Migration and Integration, 2019, p. 14). In addition, consultations on draft social security coordination agreements with Armenia, Georgia, Azerbaijan and Belarus have been carried out. According to information from the Bulgarian Employment Agency, migrant worker recruitment under the agreement with Moldova commenced in March 2019 and 70 Moldavian workers have started working in Bulgaria so far.⁴⁰

The agreements concluded with Armenia, Moldova and Georgia apply to migrant workers who can be employed in Bulgaria without a work permit for an initial period of up to one year, with the possibility of subsequent prolongation for a total period of up to three years, and seasonal workers for the maximum period of nine months in line with the Seasonal Workers' Directive (Vankova, forthcoming). They are required to sign a declaration obliging

them to return to the territory of their sending state upon expiration of their legal residence and present their passport personally to its consulate within one month of their return. Non-fulfilment of this obligation might impact a future application for a residence permit submitted to the Bulgarian authorities (ibid).

INSTITUTIONAL FRAMEWORK AND DECISION-MAKING

Various state institutions are involved in Bulgaria's migration policy. When it comes to labour migration, however, the main actors to be considered are the Ministry of Interior (**Министерство на вътрешните работи**), the Ministry of Labour and Social Policy (**Министерство на труда и социалната политика**), the Ministry of Foreign Affairs (**Министерство на външните работи**) and the coordinating body, the National Council on Migration, Borders, Asylum and Integration under the Council of Ministers (**Национален съвет по миграция, граници, убежище и интеграция**). The Ministry of Foreign Affairs participates in decision-making in the field of foreign and migration policy and is responsible for issuing visas through the diplomatic and consular offices abroad (Vankova, 2011, p. 69). The specialised Migration Directorate of the Ministry of Interior is tasked with exercising administrative control over the residence of third-country nationals by issuing residence permits, imposing coercive measures against foreign nationals residing irregularly in the country and managing the immigrant detention centres (ibid).

The Ministry of Labour and Social Policy is responsible for decision-making and implementation of policies related to labour market access and integration with regard to third-country nationals, concluding bilateral labour migration and social security coordination agreements (Strategy, 2015, p. 9). The Employment Agency (**Агенция по заетостта**) is the authority tasked with protecting the labour market and regulating access to it for foreigners through the issuing of work permits to employers that wish to hire third-country nationals. In addition, there is also the National Council on Labour Migration and Labour Mobility (**Национален съвет по трудова миграция и трудова мобилност**) under the Minister of Labour and Social Policy, which includes representatives of the trade unions and employers' organisations (Vankova, 2011, p.75). Its functions include consultation and support in relation to the implementation of Bulgarian policy on labour migration and labour mobility, including the admission of workers from third countries on the basis of bilateral agreements or other compensatory measures, proposals for the list of occupations for which there is a shortage of highly-qualified specialists and the list of economic sectors that depend on seasonal changes.

The National Council on Migration Policy was established in 2011, as envisaged by the second National Strategy on Migration, in order to ensure overall coordination of the various state institutions that are involved in Bulgaria's

³⁹ Закон за трудовата миграция и трудовата мобилност (SG No 33/ 26 April 2016, last amendment No 34/ 23 April 2019).

⁴⁰ Letter №10-00-1749#3 from 12.03.2020 in response to an official request for information.

migration policy (Markova and Vankova, 2014, p. 42). It was later replaced by the National Council on Migration and Integration under the Council of Ministers established in 2015, and then by the current National Council on Migration, Borders, Asylum and Integration, established in 2019.⁴¹ The Council is a collective consultative body for formulating and coordinating the implementation of state policies in the field of migration and integration of foreigners, asylum seekers and beneficiaries of international protection in the Republic of Bulgaria.⁴² The chair of the Council is the Minister of the Interior.⁴³ The Council comprises the deputy ministers of the interior; labour and social policy; justice; foreign affairs; finance; education and science; health care; defence; transport; and information technology and communications. It also includes the chair of the State Agency for Child Protection and the chair of the State Agency for Refugees. In addition, the deputy chair of the State Agency for National Security, a deputy chair of the State Intelligence Agency, the director of the National Customs Agency, the secretary of the National Anti-Trafficking Commission, a representative of the Governing Board of the National Association of Municipalities and the Council's secretary, also participate in the Council.

GENERAL LEGAL FRAMEWORK FOR ADMISSION OF MIGRANT WORKERS⁴⁴

The Bulgarian Act on Foreigners in the Republic of Bulgaria (AFRB)⁴⁵ establishes the terms and procedures under which third-country nationals and their family members may enter, reside in and leave the Republic of Bulgaria. In terms of labour migration, the 2016 Act on Labour Migration and Labour Mobility (ALMLM) has a central place, as it codifies all existing national and EU labour migration legislation.

Generally, migrants can apply for initial access to the Bulgarian labour market only when they are outside the territory of Bulgaria (Article 5, para 2 of the ALMLM), except for highly skilled Blue Card applicants (Vankova, forthcoming). The authorisation for access to the labour market⁴⁶ is subject to: a labour market test (**проучване на пазара на труда**) to be performed by the employer to ascertain whether suitable employees are available in Bulgaria; proof that in the previous 12 months, the total number of third-country nationals working for the employer does not exceed 20 per cent of the average number of workers

employed or 35 per cent in the case of small and medium-sized enterprises;⁴⁷ working conditions and wages that are no less favourable than the conditions offered to Bulgarian citizens in the respective labour category; and finally, migrants possessing specialised knowledge, skills and professional experience that is required for the post in question (Article 7, para 1 of the ALMLM).

The abovementioned labour market test needs to be carried out by the employer by publishing a job advert containing information about the requirements for taking up the position in question, the remuneration and other social benefits (ibid). The job vacancy has to be published in both national and local mass media, as well as in the local labour office (**Бюро по труда**) at the potential place of work of the applicant (Article 4, para 1 of the Implementing Regulation of ALMLM).⁴⁸ The duration of this labour market test is required to be between 15 days and three months. The results of the test are used by the Employment Agency in order to establish the 'objective impossibility' of employing a Bulgarian citizen, a citizen of another Member State of the European Union, a country in the European Economic Area, or the Swiss Confederation, or any other foreigner legally residing in Bulgaria and who has the right to fill the vacant position (Vankova, 2018; Vankova, forthcoming).

There are several exceptions to this general work authorisation procedure that are applicable to third-country nationals who do not need a work permit (**разрешение за работа**) in order to work in Bulgaria, such as workers with long-term and permanent residence permits and their family members, recognised refugees and their family members in line with the Act on Asylum and Refugees and family members of Bulgarian and EU citizens (Vankova, forthcoming).⁴⁹ Another category exempted from the requirement to apply for work authorisation is researchers, in line with Article 36, para 1 ALMLM. In addition, in line with the priorities of the national migration policy, migrants of Bulgarian origin are also entitled to facilitated access to the labour market without a work permit under Article 8, paras 2 (1) and 3 ALMLM. They only need to be registered by the employer in the Employment Agency in line with Article 30a of the Implementing Regulation of the ALMLM.

The work permits are issued with a period of validity of one year only (Article 7, para 4 ALMLM) and the overall duration of the work authorisation can be prolonged for up to three years if the circumstances for its issue have not changed (Article 7, para 5 ALMLM). The only exception to this rule concerns EU Blue Card holders, whose work

⁴¹ For more details, see <https://ec.europa.eu/migrant-integration/news/bulgaria-establishes-national-council-on-migration-borders-asylum-and-integration>

⁴² Ministry of Interior, <https://www.mvr.bg/nsmgui>

⁴³ Ibid.

⁴⁴ Inter-corporate transferees are outside the scope of this report and therefore all provisions relevant to this group of migrant workers are omitted.

⁴⁵ **Закон за чужденците в Република България**, SG No. 153/23 December 1998, last amendment SG No. 101/ 27 December 2019.

⁴⁶ For positions not requiring Bulgarian citizenship.

⁴⁷ According to Article 14, para 1 of the ALMLM, the Minister of Labour and Social Policy, where appropriate, may authorise labour market access on a case-by-case basis outside these limitations.

⁴⁸ **Правилник за прилагане на Закона за трудовата миграция и трудовата мобилност**, SG No 79/ 7 October 2016, last amendment SG No 27/ 2 April 2019.

⁴⁹ See Article 9, para 1 ALMLM for further details.

authorisation can be issued for a period of up to four years and renewed (Article 33k, para 2 AFRB).

Follow-up applications after the maximum three-year period has elapsed are also made when the foreigner is physically outside the territory of Bulgaria in line with Article 5, para 2 ALMLM (Vankova, forthcoming). Furthermore, according to Article 7, para 1 (2) of the Implementing Regulation of the ALMLM, upon reaching the maximum work authorisation period of three years under Article 7, para 5 ALMLM, a new work authorisation application can only be submitted after a three-month interruption between the expiry of third-country national's permit and the request for a new starting period of employment (ibid). Here again, there are exceptions concerning EU Blue Card holders in line with Article 33k, para 2 AFRB, foreigners who have the right to register in the local labour offices as job seekers and foreigners of Bulgarian origin.

The procedure differs also in the case of seasonal workers. In line with the Seasonal Workers' Directive,⁵⁰ the Act on Foreigners provides for two authorisation regimes for seasonal workers: seasonal work for up to 90 days (**сезонна работа за срок до 90 дни**) on the basis of a short-term visa⁵¹ (Article 24 л, para 1 of the AFRB) and a seasonal work permit (**разрешение за сезонен работник**) for no less than 90 days and no more than nine months (Article 24к AFRB). After consultations with the National Council for Labour Migration and Labour Mobility, the Minister of Labour and Social Policy approves a list of economic sectors, including activities, that depend on seasonal labour (Article 25, para 1 ALMLM). The list covers, currently, agriculture, forestry and fisheries and hotels and restaurants.⁵²

No labour market test is to be applied for the recruitment of seasonal workers in line with the general application for access to the Bulgarian labour market (for more details, see Vankova, forthcoming). The first category of seasonal workers must have a valid visa for the purposes of seasonal work (unless they benefit from a visa-free regime on the basis of their nationality, such as Ukrainians, Moldovians and Georgians) and their employers have to register their employment with the Employment Agency, along with other documents required in line with the ALMLM and its Implementing Regulation (see Article 32 Implementing Regulation). For the second category, the seasonal worker permit granting the right to continuous residence can be obtained by foreigners who meet the requirements for access to the labour market discussed above (in accordance with Article 7, para 1, (3) and (4) ALMLM) and who have obtained a national visa (Article 24к, para 1 AFRB).

⁵⁰ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers [2014] OJ L 94.

⁵¹ In case a visa is required.

⁵² Adopted by Order ПД-01-47 /17 January 2017 of MLSP.

WORK PERMITS

The Bulgarian Employment Agency does not maintain a website with publicly accessible data on the employment of foreigners. Currently, such data are available in ad hoc reports⁵³ and government documents, such as the reports on the implementation of the 2015 Strategy, which do not allow for comparisons over a longer period of time. This necessitates the filing of official requests for access to public information. According to data obtained through such a request, close to 12,000 new and extended work permits were issued to foreigners in the period between 2009 and 2019 (see Figure 1 in the Annex).⁵⁴ Most of the work permits in 2019 were granted to Ukrainian workers (559), followed by Turks (403) and Kyrgyz (349).

In addition, the number of seasonal workers residing in Bulgaria for a period of up to 90 days has to be considered. This adds to the overall number of workers who gained access to the Bulgarian labour market. The number of seasonal workers has increased exponentially from 3,547 in 2017 to 8,443 in 2018 and 11,443 in 2019 (ibid). The largest share of seasonal workers came from Ukraine, followed by Moldova and Kyrgyzstan. Seasonal workers were employed predominantly in the Bulgarian hospitality industry.

The data show a significant increase of the number of third-country nationals who have worked in the Bulgarian labour market in the past two years. The reason for this increase is economic growth and demand for foreign labour, but also established procedures. The ALMLM has been amended several times during the past two years⁵⁵ in order to reduce the administrative burdens on employers wishing to hire migrant workers.⁵⁶ A procedure was also established for hiring third-country nationals as seasonal workers as a result of the implementation of the Seasonal Workers Directive.

According to Employment Agency data the sectors of the Bulgarian economy with the largest number of third-country workers in 2019 were tourism, manufacturing industry, IT and construction (ibid). In comparison, according to National Statistical Institute data for the same period, the largest proportion of the Bulgarian workforce were

⁵³ Such as EMN Focussed Study Labour market integration of third-country nationals in EU Member States, 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/03a_bulgaria_labour_market_integration_final_en.pdf

⁵⁴ Information obtained via official request for information with decision with registered number ПД-08-3722 from 19.06.2020 of the general secretary of the Employment Agency.

⁵⁵ State Gazette, 97/2017, 24/2018, 34/2019.

⁵⁶ EMN Focussed Study Labour market integration of third-country nationals in EU Member States, 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/03a_bulgaria_labour_market_integration_final_en.pdf

employed in manufacturing industry, wholesale and retail trade, construction and state administration.⁵⁷

NATURALISATION OF FOREIGNERS

The Commission on Bulgarian Citizenship under the Administration of the President is a permanent body that acts in an advisory capacity. It supports the Vice President in cases involving the granting and restoration of Bulgarian citizenship, as well as releasing from and deprivation of it, in accordance with the ABC. Reports from 2012–2019 show that the most common grounds for granting Bulgarian citizenship include: Bulgarian origin (Article 15, para (1), point 1 ABC), Bulgarian parent (Article 15, para (1), point 2 and 3 and Article 18 ABC), naturalisation based on the general procedure (Article 12, 12a, 13, 13a, 14 ABC), naturalisation based on significant financial investment in the country (Article 14a ABC), as well as naturalisation based on special merits, such as extraordinary achievement in sport or culture (Article 16 ABC). The number of citizens who are granted Bulgarian citizenship varies from year to year: about 13,000 in 2016, about 3,400 in 2017, about 8,300 in 2018 and about 9,000 in 2019 (see Table 5 in Annex I). Reports from the period 2012–2019 show that the top five countries whose nationals have acquired Bulgarian citizenship have been: North Macedonia, Moldova, Ukraine, Serbia and Russia.

ENTRY POINTS FOR MIGRANT WORKERS: CASE STUDY SELECTION

This study focuses on two entry points selected as case studies on the basis of a mapping exercise: entry for seasonal workers with the support of job intermediaries, and foreign students enrolling in Bulgarian universities. These two entry points are relatively new and still underresearched in the case of Bulgaria.

When it comes to entry points for labour migration, previous research on the topic shows that, in practice, highly skilled migrants rely mainly on the Blue Card permit procedure in order to obtain labour market access (Vankova, 2018; Vankova, forthcoming). An entry point for well-off migrants that has also already been researched is the grounds contained in Article 25 AFRB allowing such

third-country nationals to invest in Bulgaria a value of EUR 500,000, which allows them to obtain permanent residence and get access to the labour market (ibid.).

In addition, due to the restrictive access to the Bulgarian labour market, many migrants resort to different channels to circumvent this general admission framework procedure (Vankova, 2018; Krusteva, 2019). One of the main entry points that has already been documented is the registration of a trade representation of a foreign company (**търговско представителство**) in line with Article 24, para 1 (6) AFRB. The trade representation was used only as a ground of entry on the basis of which a residence permit was issued, but it did not give the individual the right to work (Article 8, para 1 (2) ALMLM). After entering the country, many migrants register a Bulgarian company, so that they can exercise an economic activity (as managers). However, this did not give them access to the labour market as employees.

Job intermediary agencies (**посреднически агенции**), however, are a relatively new player when it comes to migrant worker recruitment, even though Bulgaria ratified the International Labour Organization's (ILO) Private Employment Agencies Convention, 1997 (No. 181) in 2005.⁵⁸ This development reflects the economic situation of the country and the relatively recent labour market demand for migrant workers. The status of job intermediary agencies is regulated in Chapter 6 of the Employment Promotion Act (EPA)⁵⁹ and the Ordinance on the terms and rules for the performance of intermediate activities for employment⁶⁰ in line with ILO Convention No. 181 on Private Employment Agencies. Natural persons and legal entities wishing to perform employment intermediary activities as private job agencies need to meet certain requirements and register with the Employment Agency (Article 27a EPA).

According to the Employment Promotion Act, employment intermediary activities include informing and/or consulting jobseekers and employers; providing psychological support for jobseekers and referral to adult education and employment programs; and guiding and assisting jobseekers in starting work, including in another location in the country or in other countries (Article 26 EPA). In order to provide such services, a private job agency needs to conclude a contract with the jobseeker and the employer wishing to recruit workers (Article 28, para 3 EPA). Employment intermediation activities shall be paid for by the employer and should be free of charge for persons seeking employment or the persons employed (Article 28, para 7 EPA). Private job agencies keep an electronic register with personal data

⁵⁷ National Statistical Institute, Employed persons by economic activity grouping and sex in 2019, <https://www.nsi.bg/bg/content/4009/%D0%B7%D0%B0%D0%B5%D1%82%D0%B8-%D0%BB%D0%B8%D1%86%D0%B0-%D0%B8-%D0%BA%D0%BE%D0%B5%D1%84%D0%B8%D1%86%D0%B8%D0%B5%D0%BD%D1%82%D0%B8-%D0%BD%D0%B0-%D0%B7%D0%B0%D0%B5%D1%82%D0%BE%D1%81%D1%82-%D0%BD%D0%B0%D1%86%D0%B8%D0%BE%D0%B-D%D0%B0%D0%BB%D0%BD%D0%BE-%D0%B-D%D0%B8%D0%B2%D0%BE-%D1%81%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B8-%D1%80%D0%B0%D0%B9%D0%BE%D0%BD%D0%B8-%D0%BE%D0%B1%D0%B-B%D0%B0%D1%81%D1%82%D0%B8>

⁵⁸ For details see https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2296734

⁵⁹ Закон за насърчаване на заетостта, prom. SG. No. 112/ 29 December 2001, last amendment SG. No. 101/ 27 December 2019.

⁶⁰ Ordinance on the terms and rules for the performance of intermediate activity for employment adopted by Council of Ministers Decree No. 107 of 17 May 2003, last amendment SG 89/ 12 November 2019.

about jobseekers, recruited workers and employers as part of the Employment Agency's database. They are required to inform jobseekers about the requirements of the job, including professional qualifications and physical fitness, working conditions, proposed remuneration, conditions for social and health insurance, and necessary knowledge of the language of the host country.

Concerning entry as foreign students (*чуждестранни студенти*) enrolling in Bulgarian universities, it must be stressed that Bulgaria has become a more popular destination in the past decade, for several reasons: (i) as an EU member state all diplomas issued are recognised as 'European diplomas', thus giving better prospects for future employment; (ii) tuition fees are considerably lower than most EU member states; (iii) living costs are considerably lower than in all other EU countries; (iv) there is an increasing number of attractive English-language programmes, including joint programmes with British universities, such as dental and general medicine, engineering, MBA, IT and hotel management.

In recent years the number of non-Bulgarian students (from both EU and third countries) has been growing steadily, rising from about 10,500 in 2013 to 12,500 in 2017.⁶¹ In 2017, about 10 per cent were non-EU citizens. In the same year, international students made up around 6 per cent of the student population (about 14,000 out of 221,000 students in total). The top five countries of origin were Greece, the United Kingdom, Turkey, Germany and Ukraine. The share of international students grew by 10 per cent compared with the previous school year and by 33 per cent compared with 2013–2014.

Foreigners who are admitted to study full-time at a Bulgarian university have easier access to a continuous residence permit than the categories mentioned above.⁶² They can

work up to 20 hours per week during the period of study after registration at the Employment Agency (Article 38, para 1 ALMLM). In addition, in line with the Students' and Researchers' Directive,⁶³ a permit for continuous residence for up to nine months may be granted to a foreign student who, within seven working days after finishing their studies as a regular student in a higher education institution in Bulgaria, applies to the Employment Agency for registration as a jobseeker under the Employment Promotion Act (Article 38, para 2 ALMLM).

Furthermore, students of Bulgarian origin can benefit from additional policies and programmes developed in line with one of the aims of the National Strategy in the field of Migration, Asylum and Integration (2015–2020), which is to attract foreign citizens of Bulgarian origin as a possible resource for overcoming negative demographic trends in Bulgaria. For instance, the Ministry of Education has been running a programme aimed at attracting such young people and giving them an opportunity to study in Bulgaria since 1993.⁶⁴ This programme offers about 2,000 extra places per year in various universities for such students for BA and MA degrees. There are 40 additional places for PhD candidates and 240 for postgraduate specialization⁶⁵. The programme offers scholarships, free accommodation in university campuses and vouchers for food⁶⁶. In addition, there is a special programme for citizens of North Macedonia.⁶⁷

The next two chapters present an analysis of these two different entry points chosen as case studies and shed light on migrants' situation, motivation and possibilities when it comes to accessing the Bulgarian labour market with the support of job intermediaries and through universities. They present migrants' perspectives on migration policies, examine how third-country nationals experience them and how they shape their lives.

⁶¹ Mobile students from abroad enrolled by education level, sex and country of origin, <https://data.europa.eu/euodp/en/data/dataset/bDxaOCshbNcYrythEeAEqA>

⁶² See Article 30 of the Implementing regulation of the AFRB.

⁶³ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing [2016] OJ L 132.

⁶⁴ Decree No. 103 of the Council of Ministers of 31.05.1993 on the implementation of educational activities among Bulgarians abroad. Promulgated in SG 48/4 June 1993

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Decree No. 228 of the Council of Ministers of 20.05.1997 for the admission of citizens of the Republic of Macedonia as for students in the state higher schools of the Republic of Bulgaria. Promulgated in SG 42/27.05.1997.

CHAPTER 2.

ENTRY POINTS FOR MIGRANT WORKERS

ENTRY OF SEASONAL WORKERS IN THE TOURISM INDUSTRY WITH THE SUPPORT OF JOB INTERMEDIARIES

Eight seasonal workers engaged in tourism were interviewed during the fieldwork in Bulgaria. They all came from Ukraine to work at three different Black Sea resorts with the support of an intermediary. All of them were employed in low-skilled occupations (bellboys, maids, beach cleaners, ice cream sellers) and authorized to perform seasonal work up to 90 days, which allows Ukrainians to benefit from the visa-free regime with the EU and is much cheaper for employers. In addition, the fieldwork also covered two separate stakeholder interviews with a representative of a job intermediary agency and with a hotel manager in a Black Sea resort. The job intermediary agency has been in operation for three years now and is authorised by the Employment Agency with a license. On an annual basis it works with more than 150 employers, which sometimes means that they need to recruit 700 seasonal workers, especially in the summer season. The hotel manager has been hiring foreign seasonal workers for two years now, mainly from Ukraine and Moldova. Initially, the hotel used a job intermediary agency but after it had developed its own network, it switched to 'self-management' in order to save on recruitment agency fees.

Reasons for choosing Bulgaria

All the seasonal workers arrived in the period May–July 2019. As more than half of them were students from Ukraine, one of the main reasons the interviewees chose Bulgaria was the opportunity to work and also enjoy the Black Sea coast resorts during the summer season. The ones who are studying tourism pointed out that this type of work also served as an internship opportunity and provided practical experience, as well as career progression. Among the other reasons for choosing Bulgaria for seasonal work was the cultural and linguistic proximity of the country to Ukraine, as well as the better economic conditions in Bulgaria for summer jobs in tourism: 'Ukraine does not have such sea resorts' (JI_04).

Most of the interviewees learned about the opportunity to do seasonal work in Bulgaria through online advertise-

ments by recruitment agencies, as well as through direct contact with university teachers who served as intermediaries or cooperated with such agencies in the case of students. One of the seasonal workers was encouraged to apply for such a job by her former boss (JI_03) and another gained additional information about Bulgaria through her son, who already had experience in the country (JI_10). Only two of the interviewees had already worked in the country (JI_03; JI_10). Their motivation for returning to Bulgaria was the good climate, the friendliness of Bulgarian people, the integrity of the recruitment company and the employer, as well as positive experience and the possibility of reapplying for the same job.

More than half of the seasonal workers already had some professional experience in similar hotel jobs, and the rest worked as an accountant, in business or in a shop. Most of the interviewees were not married.

The role and position of intermediaries

The data collected through the interviews with workers and stakeholders demonstrate the growing significance of intermediaries when it comes to recruitment for low skilled occupations, such as seasonal work. These intermediaries are not necessarily registered under the Employment Promotion Act and the Ordinance on the terms and rules for the performance of intermediate activities for employment. On the contrary, this is a dynamic field including many private actors, such as university teachers or employers who had used agencies in the past and had gained enough experience to navigate the recruitment process without external support.

The data show that intermediaries are involved in the whole recruitment process: from initial admission into the country until the departure of the recruited seasonal workers. They also provide the migrant workers with information and support, if needed. It should be stressed, however, that the role of intermediaries is not always positive as practices among the different agencies vary. This is also evident from the reports of the Main Labour Inspectorate, which reported that 15 per cent of all violations registered in relation to employment promotion and labour migration and mobility are related to the role of intermediaries.

ies (Main Labour Inspectorate, 2019, p. 24). Therefore, it does not come as a surprise that, before starting the application process, some of the interviewed workers scoured the online forums and Facebook groups discussing recruitment opportunities in order to make sure that the respective agency 'was not a fake one' (JI_10). As a second step, they also talked to the job intermediary's representative in Ukraine, who shed light on this seasonal work opportunity and the application process. In the case of students, this role was played either by a university teacher or a representative of a job intermediary agency who recruited students in hotel management directly from the university where they were studying.

In order to start the application process, candidates had to fill out an application form or send a CV, which was forwarded for approval to the job intermediary agency in Bulgaria: 'I only had to provide my biometric passport and my resume' (JI_09). After the candidates were approved, the job intermediary agency dealt with the whole administrative process. In most cases the candidates had to apply for a biometric passport, which allowed them to benefit from the visa-free regime with Ukraine. Some intermediaries required only this document from the candidates. Others asked the migrant workers also to take care of their medical insurance. The organisation of departure took between two weeks and a month after the candidates had provided their biometric passport data. The interviewed hotel manager shared that it took 10 days to receive authorisation for seasonal work for up to 90 days from the day of submission of the documents to the employment agency (JI_01). According to the interviewed job agency representative, their service included obtaining and examining all required documents from the employer, as well as organising travel arrangements to and from the workers' countries (JI_02). As one of the Ukrainian women who worked as a maid put it, 'things worked out smoothly and quickly' (JI_09).

The interviewed migrants said that the job agency representatives provided information about working conditions at the future job, the accommodation, the labour contract and its contents, medical insurance and the declaration that needed to be registered at the Employment Agency: 'The representative of the job agency explained everything about the future job down to the smallest detail' (JI_07). Only one of the interviewed Ukrainian maids mentioned that she had also signed a cooperation agreement with the job agency (JI_10). In the case of students, the university teachers provided all the info on seasonal work opportunities in Bulgaria, including taxes and free time, as well as helping with the required documents, such as the application for biometric passports and insurance. Furthermore, the university teacher accompanied the students during their journey to Bulgaria: 'Our teacher escorted us here, she made sure that the working and living conditions were good for us and that we understood what we had to do' (JI_06).

Overall, seasonal workers assessed the role of the intermediaries that they used as positive. Some stressed that

they had provided accurate information on the workplace. Only one of the Ukrainian interviewees, working as a waitress, experienced problems arising from insufficient staffing at the hotel, which according to her had not been mentioned by the job intermediary (JI_07). The interview with the job agency representatives also highlighted some negative aspects of their role, however (JI_02). There were more than 2,000 registered job agencies in the National Employment Agency database. Nonetheless, according to the interviewee there was lack of public information on how many of them were actually active. In addition, many agencies were involved in fraudulent activities and deceived migrants just to get their hands on their money, as also illustrated by the reports of the Main Labour Inspectorate (Main Labour Inspectorate, 2019, p. 24). This negatively affected the image of recruitment companies. In addition, in some cases recruitment agencies poached employees recruited by another agency to work with them by offering higher wages.

Finally, many hotels hired a job intermediary agency the first time they wanted to recruit foreigners, but in the following year preferred to conduct the entire procedure on their own because they had already established contacts with possible employees (as in the case of the interviewed hotel manager (JI_01)). According to the interviewed job agency representatives, this happened not only so that they could save money by not paying fees but also because they did not trust agencies (JI_02). According to the interviewees, however, without a job intermediary agency, who serves as a mediator, it was more likely that there would be violations of workers' rights.

Fees charged by intermediaries

ILO Convention No. 181 concerning Private Employment Agencies (Article 7) and the Employment Promotion Act (Article 28, para 7 (2)) prohibit private employment agencies from charging directly or indirectly, in whole or in part, any fees or costs to workers. Only employers can be charged for such intermediary services (Article 28, para 7 (1) Employment Promotion Act). Furthermore, the ALMLM stipulates that the transport costs from seasonal workers' homes to their workplace in the Republic of Bulgaria and in the opposite direction shall be borne by the employer (Article 27, para 1 ALMLM) and this requirement also needs to be reflected in the signed labour contract.⁶⁸ In addition, the compulsory health and social security insurance must be covered by the employer and reimbursement or deduction from the seasonal workers' remuneration is not allowed (Article 27, para 2 and 3). The accommodation for seasonal workers can be either provided by the employers or secured with their assistance (Article 28, para 2).

⁶⁸ See also: Employment Agency, Hiring seasonal workers from third countries. <https://www.az.government.bg/pages/sezonni-rabotnici-ot-treti-strani/>

None of the interviewees was officially asked to pay a fee to the agencies. However, seasonal workers' responses differed when it came to the expenses they incurred. For instance, in some cases all travel costs were covered by the job intermediary agency (JI_09) and in others, migrants had to pay some of it themselves (JI_08). Some of the interviewed workers reported that they had to pay for insurance and for registration at the Employment Agency (JI_10). Finally, some also had to pay the job agency to cover food during travel or other documents as part of the application process (JI_07; JI_08). The interviewed job agency representative stressed that the employer is supposed to cover the travel, accommodation and food expenses of recruited workers (JI_02).

Working conditions, remuneration and contracts

The fundamental ILO Conventions, as well as the Bulgarian Labour Code contain requirements concerning working conditions and remuneration for all workers. The interview data reveals a positive development concerning the persistent illegal practice of hiring foreign nationals for seasonal work disguised as internships. All the workers interviewed had signed employment contracts with their employers upon arrival in Bulgaria, in line with the requirements of Article 68, para 3 Labour Code.⁶⁹ Some of the interviewees stressed that the contract was available in both Ukrainian and Bulgarian. These findings are also in line with the annual report of the Main Labour Inspectorate, which states that the illegal practice of presenting foreign nationals' seasonal work as internships was limited (Main Labour Inspectorate, 2019, p. 22). This positive development can be attributed to the implementation of the Seasonal Workers Directive in the ALMLM, as well as increased supervision by the Main Labour Inspectorate (ibid).

An interviewed bellboy indicated that seasonal workers' working conditions depended mainly on the managers in charge: 'some managers are good, some managers are normal, some managers are so-so' (JI_06). Most of the interviewed seasonal workers stated that their working time was eight hours, with or without shifts, depending on their position at the hotel. The interviewed maids, however, had a six-day working week. One of them, a Ukrainian woman who was a manager of the maids at the hotel, complained that she did not have guaranteed free time: 'I work 24/7!' (JI_03). This is in violation of the Bulgarian Labour Code, unless specific procedures are followed (see Article 136a).⁷⁰

Seasonal workers were accommodated either in a hotel room shared with two or three people or in a shared flat in the vicinity of their workplace. The interviewees were content with their housing conditions. One of them said: 'I have everything!' (JI_05). In most cases the workers reported that three meals a day were provided at the hotel, free of charge.

Only two of the interviewed Ukrainian migrants who worked in the same hotel reported problems concerning their remuneration (JI_08; JI_07). They started their jobs on 1 July 2019 and complained that they had still not received their first salary (interviews were conducted in mid-August 2019), which is in violation of the Labour Code (see Article 245). The others mentioned that wages could be higher (they receive around EUR 350 per month, which is approximately EUR 50 lower than the average wage in tourism in the same period⁷¹). Several said that they had heard about wage differences between Bulgarians and Ukrainians, but they had not seen any official documents confirming this observation: 'There is a difference between Bulgarians' wages and ours' (JI_04). The interviewed hotel manager confirmed that there were problems in this regard: 'The other hotel owners should try to make a good impression not only on tourists, but also on the employees that come to work in Bulgaria, because many treat those people as "second class" personnel and do not pay them enough or at all' (JI_01).'' On the other hand, the job agency representatives claimed that there were hardly any cases in which a Bulgarian employer delayed payment or refused to pay (JI_02). If such cases occurred, the job agency had a policy of paying the employee directly. As part of its effort into ensuring workers' rights and humane work conditions, it also offered 24-hour support for foreign workers who may call at any time to seek help in problematic situations.

Despite this fairly positive assessment of their working conditions, some of the seasonal workers stated that they would leave their jobs in the event of unfair treatment (JI_06) or a failure to pay them (JI_08). Two of the interviewed maids said that they needed more breaks and this could be a reason to quit (JI_07; JI_05). The interviewed hotel manager stressed that in many cases hired students leave their workplaces before the end of their contracts because 'they lack labour discipline' (JI_01), not due to bad working conditions. This is why, for instance, the interviewed job agency representatives shared that they do not work with students (JI_02). The agency required potential employees to present a diploma, proof of experience and qualifications for the position they were applying for, even when it was not required by law, as in the case of the seasonal work authorisation for 90 days.

⁶⁹ Кодекс на труда, SG 26/ 1 April 1986, last amendment SG 79/ 8 October 2019.

⁷⁰ Not respecting employment contracts was also documented by Neda Deneva and Stefan Krastev, Bulgarian Case Study, Project 'Towards Shared Interests between Migrant and Local Workers', Project Rationale and Research Outputs, p.6.

⁷¹ National Statistical Institute, Employees and average gross salary in the fourth quarter of 2019, https://www.nsi.bg/sites/default/files/files/pressreleases/EmplsSalary2019q4_Z244RMO.pdf

Problems related to seasonal worker recruitment

One problem related to seasonal worker recruitment shared by the interviewed hotel owner (JI_01) and the job agency representatives (JI_02) was that the tourist season was much longer than the period for which seasonal workers are permitted to stay under the up to 90 days seasonal work authorisation, which is the most commonly used entry channel because it is cheaper and less burdensome for employers. This required a change of staff right at the height of the season when the hotels were overbooked. In practice, this means that, unlike the seasonal workers who came at the beginning of the season, the second shift had no time for adaptation and training. Another gap in the current framework, according to the interviewee, was the fact that the up to 90 days seasonal work authorisation started to run from the moment it was issued, whereas the employees were able to start working no sooner than 40 days after they arrived in Bulgaria because of the burdensome bureaucratic procedures. This statement reveals the interviewees' lack of knowledge or experience with the procedure for recruitment of seasonal workers coming for up to 90 days, which makes it possible to determine the period during which workers are expected to commence work in the declaration registered at the Employment Agency. In order to avoid delays, however, the application documents need to be submitted to the Employment Agency well in advance, before the beginning of the high summer season.

According to the representatives of the job intermediaries interviewed, when it comes to recruitment of seasonal workers their biggest challenge comes from illegal competition:

A recent case we had concerned another agency which could not recruit the number of workers requested by employers and went after our Ukrainians who were already working at the resorts in Bulgaria. It said to them: "Come work for us, we will give you a higher salary". The workers are here for three months only, so even if they offer them 100 BGN (50 EUR) more, they will consider it. And they go. In such cases we notify the Main Labour Inspectorate. They cannot hire them officially because the workers only have authorisation allowing them to work for a particular employer. (JI_02)

Interaction with locals and discrimination

The working relations between the interviewed Ukrainians and their Bulgarian colleagues were sometimes difficult due to the language barrier. This also created problems with their adaptation: 'Ukrainians and Bulgarians have a different mentality but this is normal, we might have some discussion but we try to understand each other' (JI_06). However, generally all workers assessed their interaction with colleagues as very positive and even as 'remarka-

ble' (JI_09). In case of problems, most stated that they would seek assistance from their direct managers (JI_09; JI_08; JI_05) and from colleagues (JI_06; JI_04). The seasonal workers who had returned to Bulgaria for a second or third time helped the newly arrived Ukrainians (JI_06). One of the interviewees mentioned that she would contact the job agency representative if a problem occurred (JI_10).

Contrary to Bulgarians' generally negative public opinion towards migrants (see above), none of the workers had personally experienced discrimination so far, although a few had heard of such cases. All of the interviewees described the general attitude of Bulgarians towards them as very good, including when a Ukrainian woman was managing a mixed team comprising Bulgarian and Ukrainian maids. The workers spent their free time socializing with Bulgarian and Ukrainian colleagues and enjoying the Black sea beaches: 'I spend my free time with colleagues and friends, we play sport, we go to the beach, to the mall, we listen to music and we try to have fun' (JI_06). Some of the Ukrainians had family members coming to visit them.

Stage of the migration process and future plans

Most of the interviewees had no concrete plans concerning settlement in Bulgaria for the future. This is not surprising given that as seasonal workers they can stay in Bulgaria for a maximum period of nine months and the national legislation does not provide any possibility for them to stay in Bulgaria, unless they leave the country and apply for admission on different grounds. Three planned to return to work in Bulgaria (JI_04; JI_05; JI_09) if everything went well with their jobs until the end of their contracts. Some of them said that they would also consider other countries (JI_05; JI_08; JI_06), such as Germany, Turkey and the Nordic states, if they did not find a better job in Ukraine. The interviewed job agency representative (JI_2) stressed that many employees from other countries, who choose Bulgaria as a seasonal work destination for more than one season, quickly learned basic Bulgarian and were able to communicate. Hence, many employees requested the employees who had been hired the previous season.

The interviewed job agency representative (JI_2) commented, however, that in general Bulgaria was not a popular work destination for third-country nationals, mainly because of the low salaries. Most of them had the opportunity to travel to other European countries where pay was better and the procedure to obtain the necessary documents and work permits was less complex and faster (for example, two weeks instead of three months, as required in Bulgaria for some permits). According to the interviewee, this did not mean, nevertheless, that working conditions and, especially, accommodation were better in other countries than in Bulgaria.

Only one of the workers had considered settlement in Bulgaria by buying a property, but decided that it was too complicated. In addition, it also requires quite a financial investment in order to lead to a permit allowing permanent settlement (see above).

ENTRY OF STUDENTS IN HIGHER EDUCATION

Eight migrants were interviewed for the purpose of the study in August 2019: five males and three females, born between 1990 and 1996. They came to Bulgaria as students between 2009 and 2017 from various countries – two from Russia and one each from Syria, Turkey, Albania, India, Ukraine and Serbia. At the time of the interviews they were either enrolled in a Bulgarian university as students and working part-time or had finished their studies in the past five years and had started a full-time job in Bulgaria. The migrants currently study or have studied in various cities and universities in Sofia, Varna, Dobrich, Blagoevgrad, Plevan and Ruse. Their academic profiles were diverse, including IT, medicine, business, law, tourism and industrial management. Two were of Bulgarian origin (born in Ukraine and Serbia) and they had already obtained Bulgarian citizenship. Three of the interviewees were married, all of them to Bulgarian citizens. Only one had a child.

Additionally, two stakeholders were also interviewed – an officer at a career centre in one of the universities in Sofia and a representative of a cultural centre for ethnic Bulgarians abroad (in Serbia).

Reasons for choosing Bulgaria

All the interviewees were interested in studying abroad because of better economic opportunities in the future. Bulgaria was not considered an established 'study destination' and the interviewees had different reasons for choosing it for their higher education. For some it was their first choice, for others it was a second option and for others it happened completely by chance.

Personal ties with Bulgaria was the main reason for three interviewees. The Syrian interviewee (HE_03) had family members already living in Sofia who helped him with the application process and accommodation during the years of his studies. He thought that having someone close to count on was a significant advantage compared with other potential countries he looked into. The interviewees from Ukraine (HE_09) and Serbia (HE_10) were of Bulgarian origin, spoke the language and Bulgaria was a natural choice for them. In addition, they were interested in the special programmes of the Ministry of Education, which offer them facilitated access and full scholarships.

Bulgaria as Plan B was the case for three interviewees, from Russia and Albania (HE_05, HE_06, HE_07). They had wanted to study in other countries, such as the

United Kingdom, Spain, Romania and the United States, but for some reason they had to give up their dreams, whether because their visa application was rejected, they could not obtain a scholarship, or for some other reason. However, the Bulgarian universities offered them very good scholarships and after checking the universities' rating, alumni success, English programmes, and so on, they found out that this was their best option. One of the Russian interviewees (HE_06) said that she wasn't interested in any cultural/language similarities between Russia and Bulgaria or the cost of living, only to receive a good education.

The most affordable programmes in the EU were what attracted the Turkish (HE_04) and Indian (HE_08) interviewees. They both had the idea that they wanted to study somewhere abroad and because of their previous experience and geographical location at that time, they were thinking about countries such as China and Singapore. However, they thought that an EU diploma might give them better career opportunities. Then they did some research and found that Bulgaria offers the most affordable MBA and medicine programmes in Europe. For the Turkish interviewee (HE_04) the geographical proximity with his country of origin also played a role in choosing Bulgaria, which enabled him to visit his home country more often.

Role of national policy towards foreigners of Bulgarian origin and other support networks

As already mentioned in the first chapter, one of the main goals of Bulgarian migration policy is to attract foreign citizens of Bulgarian origin from countries with traditional ethnic minorities, such as Serbia, North Macedonia, Ukraine and Moldova. Therefore, Bulgaria has developed and financed comprehensive policies and programmes to attract and support such citizens.⁷² However, the situation is very different for students with other backgrounds as they cannot benefit from such targeted policies and institutional support. Therefore, they rely mainly on informal online and offline groups, their universities and sometimes small ethnic NGOs (for example, for Russian speakers). The interviews demonstrate that national policies on students of Bulgarian origin have been successful and are evaluated positively by their beneficiaries. They have made a big difference compared with the other students with foreign backgrounds. This section presents how these policies work in practice based on interviewees' experiences.

Seeing Bulgarian communities abroad as 'a possible resource for overcoming the negative demographic trends in Bulgaria' (Strategy, 2015), Bulgaria has been financing Bulgarian cultural centres in, among others, Serbia, North

⁷² Национална програма "Роден език и култура зад граница" – <https://mon.bg/bg/175>

Macedonia, Ukraine and Moldova. They provide a wide spectrum of activities, such as information dissemination, language classes (at the so-called Sunday schools⁷³), opportunities to learn traditional dances and celebrate traditional holidays, host discussions and various cultural events, and organise exchange programmes with Bulgaria. A major aspect of their work is to support young people in applying to Bulgarian universities through a facilitated programme run by the Ministry of Education since 1993, which reserves university places specifically for foreign citizens of Bulgarian origin. Since 2019 the visa requirements for such students have been abolished and now they can apply directly for a continuous residence permit (Article 24B, para 9 of the AFRB). As already mentioned, their access to citizenship is also facilitated and widely encouraged. According to Yanev (2017) most students who apply for naturalisation become Bulgarian citizens. Policy-makers' underlying intention is to persuade these people to stay in the country, enter the labour market and build their lives in Bulgaria. The interviewees of Bulgarian origin in this research suggest, however, that most foreigners of Bulgarian origin who obtain Bulgarian citizenship use it to gain access to the EU labour market and many do not stay in the country (Krusteva, 2019).

One of the stakeholders interviewed for the project (HE_01) is the leader of such a cultural centre in Serbia. He said:

We have a programme through which we run our university campaigns. It is coordinated with the Ministry of Education and the State Agency for Bulgarians Abroad. This has been developed over the years. We have reception days for the applicants, we present them the opportunities, we inform them about the legal framework – what documents they need to prepare and how to prepare for the exams. When we have resources, we organise special classes as preparation for the exams – 50 hours of Bulgarian language, Bulgarian literature and Bulgarian history. And, of course, other things related to arranging their stay in Bulgaria, visas, getting acquainted with the universities.

Regarding the scale of the process, he added:

To date, almost all graduates from cities with strong Bulgarian communities in Serbia have applied to universities in Bulgaria, and most of them are accepted. Out of 50 young people, only three or four decide to study in Serbia. Recently, we have seen that the interest of Bulgarians from the central part of the country [Serbia] is increasing.

Most of the students choose to stay and live in Bulgaria after their studies and do not return to Serbia because Bulgaria offers them better economic and social opportu-

nities. Regarding the policies on acquiring Bulgarian citizenship, the interviewee said:

I advise young people, once they have been accepted in Bulgaria, to apply for and obtain Bulgarian citizenship as soon as possible so that when they complete their education in three or four years, the procedure for acquiring citizenship will also be completed. This gives them freedom to work and stay in the country after finishing their studies. (HE_01)

Two of the interviewees took advantage of such programmes in Ukraine and Serbia (HE_09, HE_10). One of them stressed: 'Not only as a student, but in general, since I was born, I have always been connected to Bulgaria – it is in my blood' (HE_10). Therefore, studying in Bulgaria was a natural choice for her and she was supported by a cultural centre in Serbia to study law. Like most law students, she was very busy with her classes and she did not have the chance to work. She only started her career after she graduated and took all necessary exams in order to practice law. Alongside her Serbian citizenship she received Bulgarian citizenship in 1999 so she is fully integrated in the Bulgarian labour market. Currently, she works at a Regional Administration, which she likes, but is not sure whether she will stay there. Her dream is to practice criminal law. However, she is afraid that her dual citizenship might be an obstacle to start working in the judicial system or in the Ministry of the Interior as these institutions might have special requirements regarding citizenship for certain professions.

The interviewee from Ukraine came to Bulgaria after being disappointed with his Ukrainian university education. His Bulgarian teachers at the Sunday school in Ukraine helped him choose a university, gave him information about the educational programmes and the national support programmes. 'Most of the teachers in these Sunday schools have previously studied in Bulgaria and have returned to Ukraine to teach, so they have experience and connections', he added (HE_09). He applied to a Bulgarian university and everything worked very smoothly for him in terms of enrolment, visa, accommodation and studies. Later on, he became a community leader himself – first as a member of the Student Council in his university, then as head of the Foreign Students' Department. He also co-founded an NGO aimed at supporting students of Bulgarian origin. The Sunday school in Ukraine frequently calls him to seek advice for young people who plan to study in Bulgaria. He is happy to share his knowledge and work as a mediator between the two countries. When he was still at university, he started to work part-time and meanwhile applied for Bulgarian citizenship, which he received in his second year. From then on, he was fully integrated in the labour market and had various internships and jobs. He completed two master's degrees and at the time of the interview he was a PhD candidate. He was also working as an auditor at an American company operating for the American market, which he found very satisfying.

⁷³ Decree No. 90 of the Council of Ministers of 29.05.2018 for Bulgarian Sunday Schools Abroad. Promulgated in SG 47/5.06.2018. It repeals the previous Decree 334/2011.

Interactions with public institutions

One of the most serious challenges for most interviewees was the interaction with public institutions and going through administrative procedures before and during their stay in Bulgaria. More than half of the students needed additional help – either from a local friend/relative or from an agency, lawyer, NGO or university representative because the procedures were not explained well and were very complicated. Another major issue was the language barrier, as almost no institution they had to deal with offered them an English-language service.

Most interviewees who had to apply for a visa in their country of origin complained about their experience in the Bulgarian consulates or embassies. They experienced bad organization, long queues, lack of an online system to track one's application and mistakes made by the officials. One interviewee said: 'The people were nice, but the system wasn't' (HE_04). Several interviewees said that the Bulgarian officials working on visa issues did not speak either English or the local language of the country they were working in. As a result, several interviewees had to bring a translator with them, a friend or a hired one.

One of the most discussed institutions that the interviews had to visit in Bulgaria was the Migration Directorate at the Ministry of Interior. Several interviewees who had come to Bulgaria in the past remembered that civil servants sometimes did not know how to deal with particular cases. Often, they would ask for certain documents, on the next visit they would ask for others, they would change dates, terms and so on. However, according to one interviewee things have been changing:

I have been here for 10 years now and I want to be honest – there has been an improvement in the procedures of the Ministry of Interior, permit applications and so on. At the beginning some employees didn't know what to do, didn't know the procedures, I don't blame them, there wasn't anything against me in particular, they just had no experience with such cases. In the past few years, however, as more and more foreigners are coming to Bulgaria, the Ministry has improved a lot as the civil servants got used to it! (HE_03).

However, the biggest problem with the Migration Directorate remains the language barrier, as most officials do not speak foreign languages, including English.

One interviewee of Bulgarian origin applied for Bulgarian citizenship after he went to Bulgaria to study (HE_09). He had no difficulties when he applied for citizenship at the Ministry of Justice, as he spoke perfect Bulgarian. In addition, the online system was well-developed to follow one's status throughout the entire procedure. However, he experienced challenges when he had to visit the Ministry of Interior to issue his identification documents. He had issues filing a permanent address, because he could not register

the address of his dormitory, which was temporary. As a young person he did not have means to buy an apartment and he did not have any relatives in Bulgaria who could offer him their address. He strongly suggested that Bulgaria should change its policy in this field and introduce an option to use a PO box in the relevant municipality, which could serve as a permanent address. The fact that he spoke fluent Bulgarian helped him overcome this challenge, but many other students of Bulgarian origin are not so lucky and his NGO provides them with assistance.

Depending on their individual cases, the interviewees interacted with other institutions, such as the Ministry of Education and Science, the Ministry of Justice, the National Revenue Agency, the Registry Agency and banks. The feedback for those was more balanced – some interviewees were satisfied with the service, while others experienced certain issues and again, the lack of an English language service created additional barriers for them. Several interviewees said that they have experienced issues with opening a bank account as a foreigner. This was connected with the strict legislation against money laundering and financing terrorism. It has been reported that there are certain banks in which this is easier, while in others there are extra fees and a lot of procedures for third-country nationals.

Working while studying

As already mentioned, the ALMLM provides that third-country nationals who are full-time students are allowed to work up to 20 hours a week during the school year, and during the officially announced vacations for the respective higher education institution. In addition, they also have the possibility to stay in Bulgaria for a period of nine months after finishing their studies and search for a job with the Employment Agency.

One of the interviewees highlighted that there was a difference between foreign and local students regarding working at his university:

Most Turkish students don't work during their studies. First of all, it's not easy for them to find a job because they don't know the language. Second, employers think it's more difficult and riskier to hire them. Third, the students usually have different mindset, they get an internship, they go for summer holidays, many come from wealthy families and simply don't need that! And the Bulgarian students? Of course, they worked! Most of them worked! (HE_04).

However, six of the interviewees also found a part-time job during their years of study, while only two stated that they were too busy with their studies to do that.

Half of those who worked during their studies found their job through the university – a career centre, personal con-

tacts with teachers and so on. Three of them benefited from very active career centres. Their activities ranged from sharing job offers, organizing job fairs and presentations by companies to organizing trips to Sofia to visit companies' offices. Two interviewees worked directly at the university and helped with tasks such as marketing, video-making and writing short texts. One interviewee said that although he was only allowed to work up to 20 hours a week, for the whole time of his study he worked longer: 'officially it was 20 hours but you know how it goes in Bulgaria...' (HE_04).

Some of the interviewees had the chance to gain international experience – they found jobs abroad for three summers. For one of them it was organized by the university and was connected with his studies in the field of tourism – he worked as a host at a restaurant in Mallorca and a junior HR specialist in Poland. The other interviewee said that it was uncommon for her classmates to work during the school year, but 99 per cent of them took up Work & Travel programmes in the United States, taking typical student jobs. This would help them pay their fees and have pocket money for the year.

Three of the other interviewees could not rely on an active university career centre (even if doing an internship was obligatory), so they had to find their way through friends and regular national job websites. They said that success depended on how active they were and one of them, who is of Bulgarian origin, managed to do internships at the Ministry of Economy and at the Administration of the President.

Transition to the labour market after graduation and self-employment

All the interviewees wanted to stay in Bulgaria after graduating. They had invested a lot in learning the language and the culture, building professional connections and social lives, some had found long-term partners or even got married. However, entering the labour market after finishing their education has been challenging. One of the most problematic issues was the requirement to leave the country if they wanted to change the grounds of their visa. As one of the interviewees put it: 'Everyone finds their way' (HE_06). However, finding one's way could be quite a challenge.

One interviewee felt 'desperate' in the period when she had to switch between a student visa and a work visa. Before she graduated, she had started to contact Bulgarian companies to find a job. Even if they liked her CV, however, they did not want to go through the whole procedure of obtaining a work permit for her as it was time- and cost-consuming. At some point she found a company that offered her a job and was ready to support her through the procedure with their lawyer. As a new graduate, she had just found a new job and a new partner in Bulgaria but she was forced to go back to her country of origin and

apply for the visa from there. She had to wait for eight months just for the work permit. Meanwhile, she and the employer 'broke the law a little bit' and she started working during the time they were waiting. She could not get paid officially, however. This put her in a vulnerable position but they agreed that 'everyone had to sacrifice something'. The interviewee was critical of the procedure: 'One funny thing about the labour contract is that there is one part that says "This contract only becomes viable and binding once the employee gets the work permit." You are not supposed to start working before you have a contract. But to apply for a work permit you need a binding contract. So technically you submit a non-binding contract, because it can't be, but should be binding. The authorities know it. So, you say it is binding, even though it can't be.' (HE_06). When she finally got her work permit and visa and started to work officially, she got paid for the previous months. The whole experience was very stressful:

I had the feeling that the government didn't want me there. I think that I am a good citizen, I try to learn the language, I don't litter the street, I volunteer in Bulgaria. It is a bad thing to say but sometimes I felt that I tried so hard to be here and I did more than many Bulgarian citizens. So, I wonder why I can't be here... I am going to work, pay taxes, do amazing things, etc. I don't want to live on social benefits. My record is clean, I also got a police file from Russia and Bulgaria to show that I haven't committed any crimes. (HE_06)

The problem with being forced to leave the country in order to re-apply for a new visa affects not only one's professional life but also one's personal life. Another interviewee got married to a Bulgarian citizen during his studies. In order to change the grounds of his visa from a student to a family member of an EU citizen visa, he needed to go back to his home country and re-apply from there. This procedure took about three months in which he was not able to attend his studies or work and he was separated from his wife.

As already mentioned, another way to obtain a residence permit is to register a trade representation of a foreign company. However, it does not provide access to the labour market as an employee. Research shows that such trade representations are often used as a 'door' to enter the country and, after registering a Bulgarian company, to start work as a manager (Vankova, forthcoming). This is exactly what one of the interviewees did and suddenly he became a businessman, even though that he had not planned that. He used the possibility to register a trade representation and then a Bulgarian private company, which employs only himself. His company is a subcontractor of a hotel and he worked as a hotel manager. He loved his job and was very happy with the conditions he worked in and the possibility to grow. However, he admitted that as soon as he had obtained a work permit, he would like to find a job at a big company. A major problem that remained for him was that his residence permit was issued

for a different period each time – it could be one year or six months. In this way he was never sure what would happen at his next visit to the Migration Directorate and this made him feel uncertain about the future.

Another interviewee has a true entrepreneurial spirit and a modern mindset when it comes to business. At the time of the interview he owned three companies operating in digital marketing, education services and sport goods, some of them with partners from Ireland and France. 'I have 12 people working in the company but not 12 employees. That's a different thing! Freelancers! My team is located all around the world – USA, Malaysia, Italy, Vietnam, Spain... So, I don't have any employees – just me' (HE_04) He was very passionate about his companies and put a lot of energy into developing the business. He didn't mind the long working hours and the lack of personal time at certain busy periods: 'I like my business because I make money, hopefully I will make more money. I like talking with people, I like helping them. I am not afraid of things. There is nothing I don't like. I work a lot but I like it' (HE_04).

If a foreigner wants to open a business in Bulgaria, they are obliged to hire 10 Bulgarian employees (Article 24, para 1, Point 2 Act on Foreigners in the Republic of Bulgaria). This forms a big obstacle for foreign starting entrepreneurs. One interviewee who had done that confessed that in his case these people were employed 'only on paper', because it would be impossible for a small business to start with 10 full-time staff. In fact, his company had only four actual employees. He faced challenges starting a restaurant, doing marketing and attracting customers so at the moment he wasn't particularly happy. His plans were to continue his studies to become a doctor.

Working conditions

All interviewees were working at the time of the interviews. For three of them their student jobs led to long-term employment with a labour contract after finishing their studies. Three were employed with a full-time permanent labour contract, two were hired on a standard six-month probation leading to a full-time labour contract. Their current job positions were quite diverse and mostly high skilled – a system administrator, a marketing manager, a hotel manager, a communication manager, a community moderator, an auditor, a lawyer and a cook.

At the time of the interview, most interviewees had a job related to their education (IT, marketing, finance), except for the one who was a cook and kitchen manager, although studying to become a doctor. Most of the interviewees used English as their main and official language at work, with the exception of one who worked in a Bulgarian regional administration. However, one said: 'Officially we speak English in the office, definitely if there are foreigners. However, when it's only us, the Bulgarians,

we speak Bulgarian... It's not that I am a Bulgarian... I speak the language very well, so I speak Bulgarian with my native colleagues' (HE_03).

Seven interviewees worked in private companies (Bulgarian and international) and only one was in a regional administration as a civil servant. Half of the interviewees worked in small organizations (up to 10 people) and the rest in bigger ones. Most of the interviewees were happy with their current jobs (teams, salary, opportunities for growth, bonuses, benefits) with the exception of one who was not satisfied with the team environment and the salary. At the time of the interview he was looking for another job and had a clear vision that he did not want to get too involved with the company: 'My current company is offering me additional job training, but I prefer to do it independently as I don't want to feel "obliged" to stay at the company; I don't want them to pressurize me with arguments such as "We paid for your training". I don't want to owe them anything' (HE_03). When it comes to remuneration, six interviewees said that they were 'satisfied' or 'very satisfied', while only two were not. This is due to the fact that they were employed in certain sectors, mostly related with outsourcing of high skilled services (IT, auditing, etc). As explained in the first chapter, the general economic situation in Bulgaria is unfavourable and the country has the lowest wages in the EU.

Six of the interviewees said that Bulgaria offered very good opportunities for professional growth and economic development. 'I think that Bulgaria has a bright future. IT jobs are flourishing. It's a good place to live, the taxes are low. It's in the EU, it's in NATO, that's why most Turkish people are coming. The area is big, it's green ... Also, my culture is similar. If you don't count religion and history, we're almost the same. However, Bulgaria has to solve the brain-drain problem. Other than that, the future is bright' (HE_04). Among the things the interviewees appreciated most in their current jobs were the learning opportunities, the good atmosphere at work, the international environment and the good salaries, as well as the fact that they found the job interesting.

When asked about their ideal working conditions it became clear that the interviewees would not be satisfied with just any job, but wanted a good job. The most important aspect for five of the interviewees was a pleasant work atmosphere. One interviewee said: 'I am looking for a new job at the moment and what I'm looking for is exactly what I miss in the current one ... A good atmosphere. If I am going to spend eight hours a day there, which is more than I spend at home or with my friends, for me it's important to feel good there. A person cannot be productive if they do not feel good and welcomed in the workplace' (HE_03). The next most important condition was a good salary, four people thought. Two interviewees said that bonuses and benefits were very important to them, while two others specifically underlined that they did not interest them at all. Two interviewees emphasised the learning opportunities as a key factor for them and

one specified that he would work for lower pay if he could learn something new and valuable. The same interviewee also argued that it very much depends on which stage of his life he was at: as he is still single, he is more interested in learning, but if he had a family, money would play a bigger role. Two of the interviewees described their current jobs as 'ideal'.

When discussing factors that would make them quit, half of the interviewees ranked their pay as the most important thing. Three ranked a bad working atmosphere and poor treatment. Reasons such as lack of professional growth, lack of additional benefits, working too much and feeling drained were also mentioned.

Life in Bulgaria

The majority of the interviewees had a good work–life balance, which gave them many opportunities for their free time. Most were satisfied with their social lives – they were able to build strong social circles and had people around them to count on. Most had friends from their country of origin, although one declared that he specifically avoided them: 'I stay away from other Arabs because I realized that they are causing problems, harming their compatriots...' (HE_03). Half of the interviewees preferred to have Bulgarian friends, while for the other half an international social environment was very important. One said: 'Some Bessarabian Bulgarians isolate themselves in their own community but I always advise them to get to know Bulgarians. In this way, they will integrate more quickly and will learn Bulgarian' (HE_09).

The favourite hobbies for five of the interviewees were travelling and doing sports. Going to bars with friends, cultural activities – including going to the cinema, theatre and opera – reading, playing online and offline games were among the most popular ways to spend their free time. Only one interviewee said that she specifically devoted time at the weekend to learn new skills and improve her professional qualifications.

Research has extensively documented hate speech in the political, social and media landscape (Stoychev and Ivanova, 2018). The interviewees reported several cases of hate speech and discrimination, but they did not consider them a major problem and briefly mentioned them as something unpleasant but normal that one simply had to deal with. One said that a migrant's ability – or inability – to speak Bulgarian determines whether they face discrimination or not, rather than their country of origin. The Syrian interviewee often experienced extra checks at the Bulgarian and other European borders due to his origin and fears of terrorism. Another had a negative first few weeks at the university due to the discriminatory attitude of the manager of the dormitory in Sofia. One interviewee had potential employers who lost interest in her when they heard that they would have to deal with extra documents (she did not have a work permit back then).

Stage of migration process and future plans

Unlike the category of seasonal workers, when it comes to future plans, most interviewees in the higher education category knew what they wanted for their future. Six of them wished to stay in Bulgaria permanently. They cherished the efforts they had already put into learning the language, getting to know the culture and building social networks and did not feel tempted to start everything all over again, even if they might have better economic possibilities in another country in the EU or elsewhere.

One of the entrepreneurs liked Bulgaria for this stage of his life but did not see himself staying there forever: 'Bulgaria is an amazing place to run a company, make money, have fun and travel around. When you start a family, everything changes. The health system here is terrible, education isn't very good' (HE_04). Another interviewee was very happy in Bulgaria but was open as regards what life had to offer. She said that things very much depended on how the relationship with her boyfriend evolved and whether they were going to start a family. Her boyfriend was interested in studying for an MA in Scotland, and depending on how their relationship developed she might consider joining him. Another interviewee did not exclude the possibility of moving back to her home country if the economic situation improved. Her Bulgarian husband was open to the idea. He was offered a job in Czech Republic and she could follow him as a family member of an EU citizen. When they thought about starting all the administrative procedures all over again, however, they decided that it would be better to stay in Bulgaria, with the prospect of obtaining a permanent permit.

Three of the interviewees were interested in applying for Bulgarian citizenship and buying their own apartments.

I am planning to apply for Bulgarian citizenship. I feel good here. I went to Greece for a vacation and when I came back, the first thing I thought at the gas station was: Mother Bulgaria! I have been here for 10 years, I decided to respect the Bulgarians, I learned their language, their culture, their rules... I think I have deserved to become a citizen! No, I am not motivated by EU membership. I don't want to leave Bulgaria. I can go on vacation but that's it! (HE_03)

One of the interviewees wanted to take out a mortgage and buy an apartment, but his bank rejected his application because he did not have a permanent residence permit.

Two interviewees would like to bring their parents to Bulgaria – one of them was the Ukrainian interviewee, who has already helped his parents to obtain Bulgarian citizenship on the basis of their origin. These families saw Bulgaria as a desirable country for permanent residence.

CONCLUSION

This report aims to shed light on the policy framework for migrant employment in Bulgaria – whether it allows settlement or rather encourages secondary movement to other EU countries and circular migration – and how migrants experience it. To that end the report provides an overview of the political, economic and demographic situation of Bulgaria based on desk research and analyses two different entry points chosen as case studies on the basis of 20 interviews conducted in August 2019. The selected case studies demonstrate migrants' situation, motivation and possibilities when it comes to accessing the Bulgarian labour market with the support of job intermediaries in the tourist industry and through universities.

The report shows that Bulgaria's national migration policy is a patchwork of EU and national norms, which is in constant change and difficult to navigate by migrants without the help of intermediaries, such as professional recruitment agencies, lawyers, NGOs, university representatives or local friends and diaspora members. In the case of seasonal workers, intermediaries generally participated in the whole recruitment and administrative process, including preparing most of the documents required, organising transport and informing migrants about their future working place and contracts. None of the seasonal workers interviewed reported having been charged by the intermediaries. However, their experiences varied when it came to expenses incurred, such as transport costs, food and insurance, which should be covered by employers.

One positive development stressed by the report is that all seasonal workers were employed on the basis of labour contracts, which shows that the persistent illegal practice of presenting seasonal work of foreign nationals as internships has been limited. Overall, the workers interviewed were content with their working and housing conditions, as well as by the attitudes of their Bulgarian colleagues. Two cases were noted in which migrant workers experienced delays in payment of their wages and one case in which a worker did not have guaranteed free time. Apart from that, the main issue emphasised by the interviewees concerned the difference in wages between them and Bulgarian workers.

None of the seasonal workers planned to settle in Bulgaria. This is because seasonal workers can work in Bul-

garia for up to nine months. They therefore have limited options: to continue to circulate between Bulgaria and their country of origin, look for opportunities elsewhere or enter the country on different grounds.

Unlike seasonal workers, who do not have much interaction with the Bulgarian authorities because of the active assistance of job intermediaries, migrants who entered the country as students described significant challenges related to the low administrative capacity of the system, such as the lack of English-speaking staff at various state institutions dealing with migrants, as well as inefficient day-to-day organisation.

Most of the migrants who entered Bulgaria as students were satisfied with their current jobs and businesses, and considered that the country offers good opportunities for professional growth and economic development. However, they reported several cases of discrimination related to their (in)ability to speak Bulgarian or their immigration status. All interviewees were fairly well integrated in Bulgarian society and most were planning to settle in the country permanently. As the report demonstrates, access to the permits that allow that depends greatly on the immigration status and ethnic origin of the workers concerned.

The interplay between national policy aiming to attract foreigners of Bulgarian origin and EU norms facilitating access to the labour market and retention of highly skilled migrants, such as Blue Card holders, makes these two groups the only ones who can choose to settle in Bulgaria without the disruptions inherent in the current migration system. Other migrant workers need to exit the country after they have reached the maximum allowed period of three years and re-apply from abroad, which makes their access to settlement challenging. One positive development is the implementation of the Students' and Researchers' Directive, which allows students to stay and look for jobs for nine months after they graduate. Unless they manage to secure a Blue Card, however, they are required to leave the country and re-apply for a work permit. In a similar way, students who married Bulgarians had to leave the country and re-apply for family reunification visas. This policy of having to exit the country in order to switch between visas and statuses is described

as the biggest problem by foreigners who enter Bulgaria as students.

Bulgaria remains the poorest EU country with the lowest GDP. As is evident from the interviews, however, it has the potential to become an attractive destination due to cultural, historical and linguistic links with some countries in the Eastern neighbourhood, accessible education and good business climate. Given its demographic crisis and persisting labour force shortages, the country needs to rethink its immigration policy and start developing retention policies, not only for highly skilled migrants but also for other categories of migrants, such as students and workers.

POLICY RECOMMENDATIONS

1. Increase transparency and control over job intermediary agencies dealing with migrant worker recruitment

The job intermediary agencies are relatively new stakeholders in the field of labour migration in Bulgaria due to recent growth in foreign labour demand. There are more than 2,000 such registered intermediaries and, as this report indicates, they have been cases of violations of the rules under which they operate. These problems have also been stressed by the Executive Agency “Main Labour Inspectorate in its annual reports. Therefore, there is a growing need to overcome these challenges in order to protect migrant workers’ rights and facilitate recruitment. The Main Labour Inspectorate exercises control over broad categories of intermediaries, such as registered agencies and employers recruiting third-country nationals in the tourism sector. This is a very positive practice, which needs to continue. The Agency conducted only 213 checks on intermediaries in 2018. In order to increase its supervision of migrant worker recruitment, as well as its transparency, the Agency needs to enhance its capacity to conduct more checks annually among the growing range of actors in this field. This, however, depends on additional funding and sufficient staffing, which could be problematic if not well planned and budgeted.

2. Streamline procedures for seasonal worker recruitment and increase awareness of existing procedures among employers

Bulgaria’s labour migration legislation connected with the implementation of the Seasonal Workers Directive is fairly new but it has been amended several times already. The report stresses several issues related to the recruitment of seasonal workers. First, it demonstrates that employers are using mainly seasonal workers coming for up to 90 days, despite the fact that the summer tourist season in Bulgaria is much longer. The main reason is that this procedure is cheaper and less burdensome for employers. However, it puts unnecessary pressure on the administration to process two waves of applications (two times three

months), on migrant workers who arrive in mid-season and cannot benefit from initiation training, as well as on employers, who need to secure the rest of the season with new migrant workers. This could be remedied by streamlining the procedure for obtaining a work permit for seasonal workers for a period up to nine months and making it more accessible.

Secondly, the report demonstrates that employers that do not use job intermediaries still lack sufficient knowledge and experience of the legislative framework. This hampers the recruitment of seasonal workers and can lead to violations of their rights. Therefore, more awareness-raising is needed among interested parties in order to explain policies, procedures and opportunities in an understandable, user-friendly way. This includes the possibilities offered by the new bilateral agreements that Bulgaria has concluded. The Employment Agency has already developed several positive practices in this regard. A one-stop-shop has been created to provide services and information, as well as consultations with people interested in knowing more about labour migration legislation. The report indicates that problems still persist in this regard, however. The existing information channels should therefore be expanded by providing more possibilities for consultations with employers (now only twice a week for two hours); training should be initiated before the start of the tourist season in cooperation with employers’ organisations; and more accessible information should be made available on the Agency website, including about the most common violations or problems in cooperation with the Main Labour Inspectorate, for instance. Such measures might require additional administrative capacity, but are mainly related to outreach and cooperation with other institutions and stakeholders and have the capacity to improve the application of this legislation immensely.

3. Rethink the national migration strategy and start putting the emphasis on retention and integration policies

According to the UN, Bulgaria has become one of ‘the fastest shrinking country’ in the world and faces severe problems in terms of its demographic structure, stable emigration rates and labour market demand for specific workers. Therefore, in light of the preparation process for a new Migration Policy Strategy for the period beyond 2020, a shift in policy thinking is required: policies are needed that aim at retaining broader categories of migrants. One of the main problems with the current legislative framework is that it requires most migrants to leave the country and re-apply for a new visa in order to switch between grounds, for example, from a student visa to an EU family member visa in case a student gets married to an EU citizen. This means that migrants have to exit Bulgaria and follow the procedure of obtaining a new visa and a new work or/and residence permit, which could last for up to three or four months. In the case of migrant workers, the maximum period of stay according to the current legal framework is three years, unless they can

obtain Blue Card permits or are foreigners of Bulgarian origin. Such disruptions affect negatively the family and professional lives of migrants who are planning to settle in Bulgaria. This restrictive circular migration-driven policy leads to many circumventions of the current legal framework, as already documented by researchers (see Vankova 2018; Vankova forthcoming). It also seriously hinders access to EU long-term and permanent residence.

Such a rethinking of the national migration strategy will require coordination with all stakeholders, the development of a functioning integration policy accessible to all, as well as political support, which could seriously delay the process due to the negative public opinion and the political situation in the country. Nevertheless, it is important to initiate a stocktaking exercise based on all available data in order to prepare the country for the development of an evidence-based model. Simultaneously, the government needs to start investing more in the administration dealing with migrants in order to provide support staff who speak

English, as well as to improve the application of migration law in different cities across the country.

4. Involvement of trade unions as a way of providing better protection for migrant workers

The involvement of trade unions in the recruitment of seasonal workers in order to achieve better protection of their rights is not a new policy recommendation,⁷⁴ but it has not been taken on board by stakeholders yet. One reason is that trade unions in Bulgaria generally oppose liberalisation of the current labour migration framework. An alternative idea would be to initiate the launching of a trade union to represent migrant workers, following the recent example of Poland, where Ukrainian workers have created such a structure. This process would require the mobilisation of foreign workers, capacity-building and funding, which are not easy. The involvement of an established NGO is therefore recommended, which could support this process and actively seek funding, for example, via the EU.

⁷⁴ See, for instance, Neda Deneva and Ben Cope, Project 'Towards Shared Interests between Migrant and Local Workers', Recommendations for Policymakers and Practitioners, Precarity and Social Citizenship, p. 9

ANNEX: TABLES AND FIGURES

Table 1.
International migration by age and citizenship of migrants

Year	Total immigrants	Non-EU immigrants	Total emigrants	Non-EU emigrants
2012	14,103	5,003	16,615	2,646
2013	18,570	12,265	19,678	2,427
2014	26,615	15,671	28,727	3,946
2015	25,223	13,066	29,470	4,307
2016	21,241	10,677	30,570	4,023
2017	25,597	11,888	31,586	3,939
2018	29,559	12,352	33,225	1,806
2019	37,929	13,152	39,941	1,879

Source: National Statistical Institute, <https://www.nsi.bg/en/content/13040/international-migration-age-and-citizenship-migrants>

Table 2.
Real GDP growth – EU and Bulgaria

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
European Union – 28 countries	2.2	1.8	-0.4	0.3	1.7	2.3	2	2.6	2	1.5
Bulgaria	0.6	2.4	0.4	0.3	1.9	4	3.8	3.5	3.1	3.4

Source: Eurostat.

Table 3.
GDP and GVA by Economic sector, 2013–2018

Year	GVA agriculture	GVA Industry	GVA Services	GVA total mln BGN	GDP total mln BGN	GDP per capita
2013	3,776	19,219	47,476	70,471	81,866	11,268
2014	3,819	19,835	49,078	72,732	83,756	11,594
2015	3,664	21,335	51,551	76,550	88,575	12,340
2016	3,817	22,993	54,408	81,218	94,130	13,206
2017	4,114	24,924	58,597	87,634	101,043	14,280
2018	3,698	24,522	66,898	95,119	109,695	15,615

Source: National Statistical Institute, <https://www.nsi.bg/en/content/5493/gdp-regions>

Table 4.
Unemployment by sex and age – annual average in Bulgaria and the EU

GEO/TIME	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
European Union – 28 countries	9.0	9.6	9.7	10.5	10.9	10.2	9.4	8.6	7.6	6.8	6.0
Bulgaria	6.8	10.3	11.3	12.3	13.0	11.4	9.2	7.6	6.2	5.2	4.2

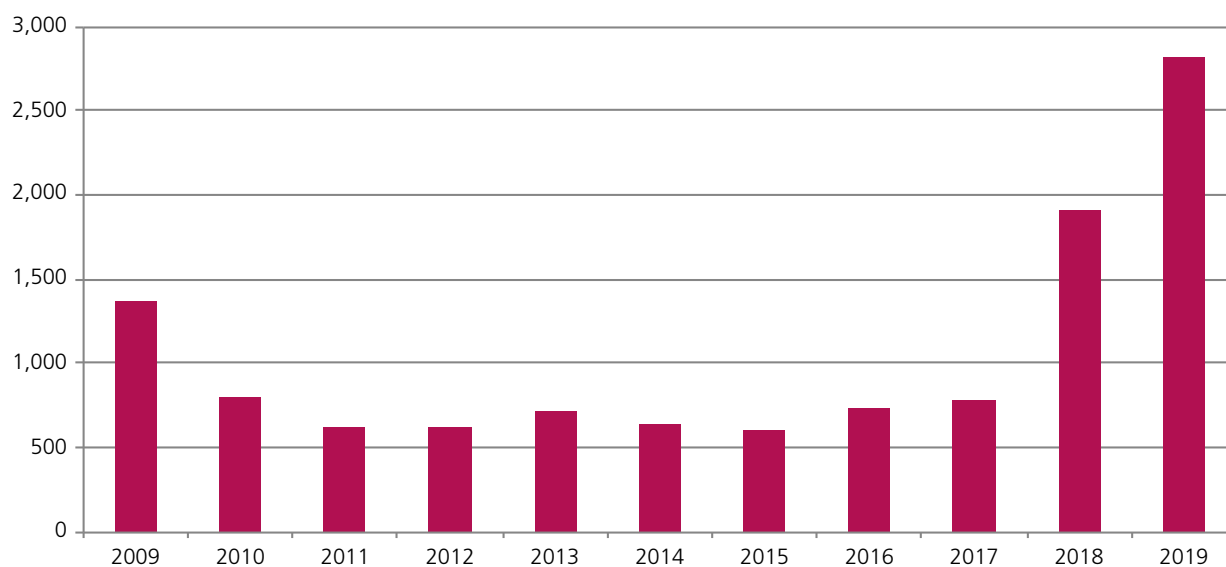
Source: Eurostat.

Table 5.
Naturalisation of foreigners

	2016	2017	2018	2019
Bulgarian origin	7,982	1,436	4,907	7,959
Bulgarian parent	4,111	1,613	3,059	774
Naturalisation based on the general procedure	774	307	307	116
Financial investment	–	12	29	26
Special merit	13	12	16	12

Source: Commission on Bulgarian citizenship with the President of the Republic of Bulgaria.

Figure 1.
New and extended work permits in Bulgaria in the period 2009–2019*



* Authors elaboration on the basis of data of the Bulgarian Employment Agency obtained through official request for information, decision with registered number ПД-08-3722 from 19.06.2020.

LIST OF INTERVIEWED MIGRANTS

Table 6.
Using job intermediaries as entry point

Type	Sex	Country	Born in	Years of experience	Education	Family status	Position
Stakeholder	M	Bulgaria		2 years in this hotel, overall 14			Hotel Manager
Stakeholder	F	Bulgaria		3 years			Job Intermediary Agency Manager
Migrant	F	Ukraine	1992	Low qualified hotel jobs	High school	Single, no children	Team manager in a hotel
Migrant	F	Ukraine	2000	Limited low qualified work	University student	Single, no children	Pastry shop and ice cream assistant
Migrant	F	Ukraine	2001	Only 2 months in BG	University student	Single, no children	Maid
Migrant	M	Ukraine	2001	Low qualified hotel jobs	High school	Single, no children	Bellboy
Migrant	F	Ukraine	1998	Limited low qualified work	University student	Single, no children	Waitress
Migrant	M	Ukraine	1996	None	BA in Ecology	Single, no children	Beach cleaner
Migrant	F	Ukraine	1981	Accountant and low qualified jobs	Secondary special	Married with one child	Maid
Migrant	F	Ukraine	1968	24 years as an entrepreneur	Civil Engineer (Airport Construction Specialist); entrepreneur	Married with one child	Maid

Table 7.
Using university education as entry point

Type	Sex	Country	Born in	Years of experience	Education	Family status	Position
Stakeholder	M	Serbia	1959	28	Law		Chairperson, Cultural-Information Center in Serbia
Stakeholder	M	Bulgaria		15	Theology		Head, Career Center, major university
Migrant	F	Syria	1990	10	IT system administrator	Single	IT system administrator
Migrant	F	Turkey	1991	10	MBA	In a relationship	Business owner
Migrant	M	Russia	1996	4	MBA	In a relationship	Business owner
Migrant	F	Russia	1996	4	Marketing	In a relationship	Marketing manager
Migrant	F	Albania	1993	2	Engineering	Married, no children	Community moderator
Migrant	M	India	1996	2	Medicine	Married, no children	Business owner
Migrant	M	Ukraine	1991	7	Industrial management	Single	Auditor
Migrant	F	Serbia	1990	1	Law	Married, with one child	Junior expert

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TEMPORARY HOME OR FINAL DESTINATION?

Situation of migrant workers in Bulgaria



Employers are using mainly seasonal workers coming for up to 90 days, despite the fact that the summer tourist season in Bulgaria is much longer. The main reason is that this procedure is cheaper and less burdensome for employers. However, it puts unnecessary pressure on the administration, on migrant workers and as on employers, as well. This could be remedied by streamlining the procedure for obtaining a work permit for seasonal workers for a period up to nine months and making it more accessible.



One of the main problems with the current legislative framework is that it requires most migrants to leave the country and re-apply for a new visa in order to switch between grounds, for example, from a student visa to an EU family member visa in case a student gets married to an EU citizen. This means that migrants have to exit Bulgaria and follow the procedure of obtaining a new visa and a new work or/and residence permit, which could last for up to three or four months. Such disruptions affect negatively the family and professional lives of migrants who are planning to settle in Bulgaria. A rethinking the national migration strategy will require coordination with all stakeholders.



Trade unions in Bulgaria generally oppose liberalisation of the current labour migration framework. An alternative idea would be to initiate the launching of a trade union to represent migrant workers, following the recent example of Poland, where Ukrainian workers have created such a structure. This process would require the mobilisation of foreign workers, capacity-building and funding, which are not easy. The involvement of an established NGO is therefore recommended, which could support this process and actively seek funding, for example, via the EU.

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