

Access of refugees to social benefits and social assistance in Bulgaria. Types of benefits.



Фондация за
гостъп до права

Foundation for
Access to Rights

Agenda

Legal framework

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Application requirements and types of social benefits under the Social Assistance Act, The Family Benefits Acts and the act on people with disabilities

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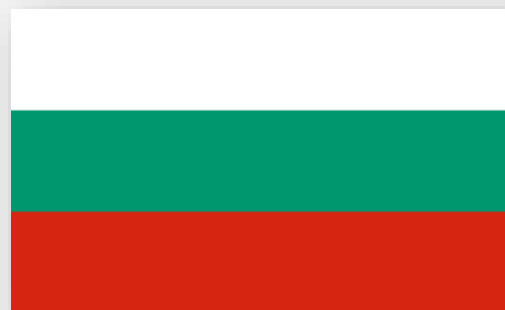
1

Legal framework

1) International acts

2) EU law

3) National legislation





International acts

Convention relating to the Status of Refugees

- Article 23

The Contracting States shall accord to refugees lawfully residing in their territory the same status in respect of entitlement to social benefits and assistance as that accorded to their own nationals.

UN Convention on the Rights of the Child

- Article 27, § 1 and 3

Guarantees the right of every child to a standard of adequate living for his or her physical, mental, spiritual, moral and social development. Parties to the CRC are obliged to take appropriate measures to assist parents and other persons responsible for the child to realize this right and, where necessary, to provide material assistance and support programmes, especially with regard to food, clothing and housing.

Convention on the Rights of Persons with Disabilities

- Article 28

Guarantee the right of persons with disabilities to an adequate standard of living and to social protection and their exercise of this right without discrimination on grounds of disability.



2)

EU law

Directive 2011/95/EU (persons with international protection)

Recital 45, Article 29 and Article 32

- Guarantee the right of persons granted international protection to receive the necessary social care and means of subsistence, without discrimination in the context of social assistance from the State that granted them protection, as provided for nationals of that State + access to housing.
- Humanitarian status - basic benefits (pregnancy, family allowances for children)

Directive 2001/55/EC (persons with temporary protection)

Article 13, §§ 1 and 2

Guarantee the right to be provided with adequate accommodation or, if necessary, to receive the means to find accommodation and the right to social care, such as subsistence and medical care, in the event that they do not have the necessary means



3)

National legislation

Art. 32, para. 2 and para. 4
Art. 39, 1 τ. 4

LAR

Social Assistance Act (SAA) and its implementing rules, Law on Social services (LSS)

Art. 2, par. 6 of the SAA, Art. 7 of the LSS

Persons who are unable to meet basic living needs.
LSS - every person -> prevention and overcoming social exclusion and improving quality of life.

Article 6 of the HMA and Article 10 of the LPA

The same rights as BG citizens - the degree of permanently reduced working capacity or the type and degree of disability are determined under BG legislation

LPDisabilities

the Law on Family Benefits (LFB) and its implementing rules

People with international or temporary protection not included - Art. 3 LFB

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Application requirements



Application procedure

Social assistance Act

Application + documents (ID; proof of income + others)

Social Assistance Directorate at current address

Social questionnaire (20 days)

- Income , employment
- Marital and property status
- Health condition
- Do children go to school

Law on persons with disabilities

- [Application form](#)
- [Self-assessment form](#)
- Identity documents
- Medical documents - decision of the TELK/NELK

Social Assistance Directorate at current address

Individual needs assessment + medical referral

Law on Family Benefits

Application-declaration + Certificate from school/kindergarten or medical report from LAC, note from personal doctor or RHI for immunizations and examinations (monthly benefits), etc. according to the type of aid

Social Assistance Directorate at current address

Some benefits require proof of average monthly income for previous months. For others it is not a requirement.



2)

Appeal

Social assistance Act

14 days

Mandatory first before the Director of the Regional Social Assistance Directorate and then before an administrative court

one instance

Law on persons with disabilities

14 days

Administrative Court + Supreme administrative court

Two instances

Law on Family Benefits

14 days

Directly before an administrative court

One instance



Types of benefits – Social Assistance Act

Monthly

- For persons with an income for the previous month lower than the differentiated income (Art. 9 of the implementing rules of SAA).
- Rent assistance for municipal housing (persons over 70, single parents) (Art. 14 of the implementing rules of SAA)
- Monthly assistance to cover the initial needs of young people aged 18 to 21 (Article 16c of the implementing rules of SAA)

Additional conditions - community service; registration in the Employment Bureau (excl. pregnant women, mothers, health condition, persons with refugee or humanitarian status incl. in integration programmes);

Targetted

- Issuance of an identity card (Article 16a of the implementing rules of SAA)
- Heating assistance (Ordinance No. RD-07-5 of 16.05.2008)
- Targetted post-employment assistance for an unemployed person or an unemployed family member (Article 11a of the SGEAP)
- Free travel by rail within the country for persons with 71% or more than 71% of permanently reduced capacity for work or certain types and degrees of disability and children up to 16 years of age with a permanent disability (Article 19 and Article 20 of the implementing rules of SAA).

One-off

- Accidental health, educational, utility and other vital needs (Article 16 of the of the implementing rules of SAA)
- Expenses for medical treatment abroad (daily expenses) (Art. 17 of the of the implementing rules of SAA)- Ordinance 2 of 27 March 2019 contradicts the Health Act.

BASE - the poverty line for the relevant year - 2024
→ 526 BGN.



Types of benefits – Law on People with Disabilities (LPD)

Monthly

- Monthly financial support for people with permanent disabilities aged 18 (Art. 70 LPD)

Targetted

- purchase of a private vehicle (Art. 74 LPD)
- Home reconstruction (Article 75 LDP)
- For treatment and/or rehabilitation services (Art. 76 LPD)
- for rent of municipal housing for people with permanent disabilities (Art. 77 LPD)
- Entitlement to monetary compensation for travel expenses within the country for persons with disabilities (Art. 71 implementing rules of LPD)

Special laws

- Entitlement to a free annual electronic vignette for permanently disabled persons (Art. 10c Road Act))
- The right to a free interpretation services in Bulgarian sign language for deaf persons (Article 20 of the Bulgarian Sign Language Act)

BASE - the poverty line for the relevant year - 2024
→ **526 BGN.**



3)

Types of Benefits – Law on Family Benefits (LFB)

Monthly

- Monthly allowances for childcare until the age of 1 (Article 8 LFB and Article 25 et seq. of its implementing rules)
- Monthly allowances for childcare until the completion of secondary education, but not beyond the age of 20 (Article 7 LFB)
- Monthly allowance for a child without a right to a survivor's pension from a deceased parent (Art. 8f LFB)
- Monthly allowances for raising a child with a permanent disability (Article 8e LFB)

One-off

- Pregnancy allowance (Art. 5a LFB) - income requirement + permanent residence in BG + without CSR entitlement
- childbirth allowance (Art. 10c LFB) - income does NOT matter, the amount depends on the number of children
- Adoption assistance (Art. 6b LFB) - income does NOT matter
- aid for raising twins (Art. 6a LFB)
- childcare support for a mother who is a full-time student (Article 8c LFB)
- Free travel 1 once a year - mother of many children (Art. 8d LFB)
- One-time aid for students enrolled in grades 1-4 and grade 8 (Article 10a and 10b LFB) - NO income required

BASE - Income as defined by the State Budget Act - 2023 - 510 leva (for income between 510.01 and 610 → 80%)

Case law on the Law of Family Benefits





Arguments

the principle of the primacy of EU law

The refusals were issued in breach of Directive 2011/95/EU and Directive 2001/55/EC.

CPD

Inconsistency of the administrative act with the purpose of the law and the best interests of the child, which must always be the first consideration in all actions of the administration in the implementation of the Law on Family Benefits

Constitution of the RB

Family allowances for children are a special type of social assistance within the meaning of Art. 1 of the Constitution, therefore children enjoying international or temporary protection cannot be placed in a less favourable situation than other children who are under the jurisdiction of the Bulgarian state

Law on asylum and refugees (LAR)

As the provisions of the LAR are subsequent and special to the Law on Family benefits, the rule is that the newer special law supersedes the older general law.

The definition of social assistance

Notwithstanding, the different designation of the benefits under the Law on Family Benefits as family benefits, their linkage to a minimum income and the child's attendance at school lead to the conclusion that they constitute a type of social assistance and fall within the statutory definition of social assistance in Article 2(2) of the Law on Family Benefits. For this reason, the argument that the term 'social assistance' used in Articles 29 and 39 of the Social Assistance Act includes only the social assistance provided for in the Social Assistance Act is unacceptable.



4

Conclusions

1. **Refusals to grant family benefits to foreigners with a status under the law on asylum and refugees, motivated by Article 3 of the Law on Family Benefits, are unlawful because they contravene international and EU law, as well as provisions of national legislation.**
2. **Challenge: Finding housing - a barrier to access social assistance (current address, personal documents, social Q&A)** → a legislative change is needed to provide a legal opportunity for people who for objective reasons cannot register their address to benefit from the social benefits provided for in national legislation.
3. **Lack of social assistance to cover rent costs for persons not accommodated in municipal housing** → new form of social assistance to cover all or part of the rent costs of persons and families in need, regardless of where they are accommodated.
4. **Sign language assistance - unapplicable in practice** → free international sign language option



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Useful links

- Heating assistance in Bulgaria -
<https://refugeelight.bg/bg/heating-assistance-bulgaria-refugees-migrants>
- Social Assistance for Persons with Disabilities -
<https://refugeelight.bg/bg/social-assistance-disability-BG>
- Disability Determination Procedure -
<https://refugeelight.bg/bg/disability-TELK-BG>
- Family benefits for children in Bulgaria -
<https://refugeelight.bg/bg/social-assistance-children>



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Thank you!

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