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BULGARIA PROTECTION BRIEF #1

The protection of unaccompanied and separated children

UNHCR Bulgaria
July 2024

Operational context

On 9 June, Bulgaria held snap elections for government, which is Bulgaria's sixth parliamentary election since 2021. Electoral fatigue was clearly demonstrated with only 34% of a turnout. Bulgaria's centre-right party Citizens for European Development of Bulgaria – GERB (EPP) are in the lead with but will have to find a coalition partners to form a government. The Movement for Rights and Freedom (ALDE) party comes in second place followed by the coalition We Continue the Change Democratic Bulgaria (Renew Europe and EPP).

The vote on 9 June was also held alongside elections for Bulgaria's representatives for the European Parliament with the similar results, of the parties represented in the National Parliament, with the only exception of the smallest party, which did not pass the threshold, needed to secure a MEP seat. The evolving political and socio-economic landscape in Bulgaria poses many challenges for refugees. Key issues for both the disadvantaged Bulgarian populations and refugees include limited access to housing, social assistance, education and healthcare.

Bulgaria is the sixth EU country which received the highest number of asylum applications per capita in 2023. In 2023, the State Agency for Refugees (SAR) received 22,518 applications for international protection, including 3,843 from unaccompanied children. Of these, 13,200 applications were terminated, with applicants presumed to have moved onwards; 106 persons were granted refugee status; 5,682 persons received subsidiary protection; and applications from 2,745 individuals, including Afghan refugees and asylum seekers and nationals of the Russian Federation, were rejected.

Since the onset of the full-scale war in Ukraine, an estimated 2,460,000 Ukrainian refugees have also transited through Bulgaria. As of June 2024, almost 189,000 refugees from Ukraine have registered for temporary protection in Bulgaria. At the end of June 2024, more than 62,000 have renewed their temporary protection documentation – and some of those with Bulgarian heritage have obtained citizenship (1,267 individuals in 2023, 1,312 in 2024). As of end-June, there were more than 106,000 Ukrainians residing in Bulgaria, compared to 62,900 on 30 May 2024. The Council of Ministers has extended the Humanitarian programme for temporary protection beneficiaries for an additional three months – until the end of July 2024. The draft humanitarian support and integration programme for refugees under Temporary Protection has not yet been adopted, despite intensive efforts in 2023 and 2024.

Key figures

Refugees and asylum seekers from countries other than Ukraine

Asylum applications in 2024



10,994

UASC applied for asylum in Bulgaria since 2021

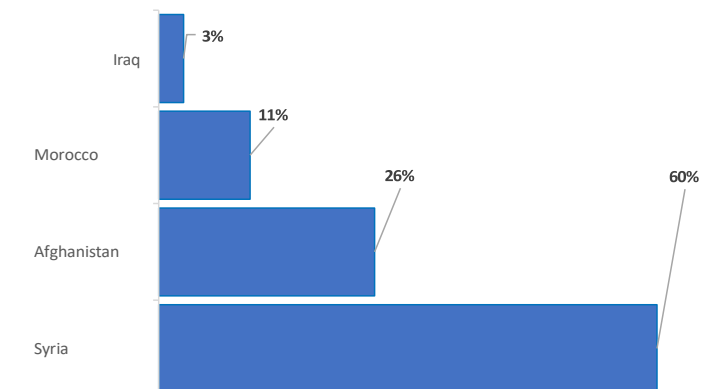
50%

of asylum seekers were women and children

3,561

asylum applications in 2024 (as of May 2024)

Countries of origin



Refugees from Ukraine under temporary protection

2.7M

refugees from Ukraine arrived in Bulgaria since 2022

62,699

refugees from Ukraine with valid temporary protection registration as of June 2024, 80% of whom are women and children

589

Unaccompanied children from Ukraine

Protection environment

Bulgaria has received almost 11,000 asylum applications from unaccompanied and separated children (UASC) since 2021, and 839 in 2024. Bulgaria's child protection system is under-resourced, hindering its ability to ensure the response to the needs of unaccompanied and separated children in line with their best interest from the moment of arrival until a solution is found.

The State Agency for Child Protection (SACP) is the main body responsible for coordinating the policy on child protection. However, clear lines of accountability impede UASC's consistent and effective access to services in line with their best interests. A coordination mechanism outlining the roles and responsibilities of various institutions on the care of UASC was agreed but not formally adopted by the Council of Ministers. A Working Group has been convened by SACP to monitor its implementation but no changes have yet been proposed. While SACP has wide-ranging responsibilities with regards the protection of UASC and child protection, the Agency was not allocated sufficient resources. The National Strategy for the Child 2024-30 has been presented to the Committee of Ministers for adoption in February 2024.

The legislation explicitly exempts unaccompanied children from immigration detention, stipulating that they should be referred to the State Agency for Refugees (SAR) if they apply for international protection or, if not, to the child protection authorities to be accommodated within the national child protection system. However, gaps in the identification of such children upon first contact by the Border or National Police due to lack of adequate interpretation, absence of social workers at the border, and but most of all - lack of alternative care arrangements, including residential care services unwilling to accommodate such children, prevent them in

practice from benefiting from this safeguard and from the referral procedure established in the legislation. In such cases, they are placed in immigration detention instead when incorrectly identified.

UNHCR is particularly concerned that the legislation allows the detention of accompanied children pending removal for up to 3 months. Children should not be detained on account of their residence or migration status or that of their parents, and detention is never in their best interests.

Concerning UASC who do not apply for international protection, UNHCR welcomes legislative amendments aimed at granting continuous residence permit to unaccompanied children who do not apply for international protection or whose claims are refused, until they reach 18. However, the absence of alternative care arrangements limits the effectiveness of this provision to ensure all unaccompanied children have access to adequate reception and care.

Moreover, UASC face significant protection risks due to limited support during the asylum process. There is need to provide child-friendly information about their rights, entitlements, and international protection procedures.¹ Additionally, delayed access to legal representation and lack of appointed legal guardians exacerbate their vulnerability, leaving them without proper guidance during critical stages of the asylum process. Limited Lack of child-friendly asylum procedures and support mechanisms increase the likelihood of negative outcomes, including rejections of asylum claims where international protection may have been merited, risk of prolonged detention due to lack of appropriate identification procedures, and risks of potential return to unsafe conditions.

Language barriers also pose significant challenges for refugee children in accessing education and essential services in Bulgaria, impeding their ability to communicate with healthcare providers, social workers, and other service providers. The absence of adequate language training initiatives exacerbates isolation, leading to academic underachievement and limited access to critical services.

While according to the legislation, children seeking and granted protection have access to healthcare on the same basis as Bulgarian nationals, many asylum-seekers and beneficiaries of temporary protection, including children, are not registered with a General Practitioner (GP) – a prerequisite for accessing primary healthcare and obtaining referral to a specialist due to lack of information, GPs' availability including for the local populations or their unwillingness to register them as patients due to lack of interpretation and de-registration procedures.

Furthermore, there is no mechanism to consistently identify and refer children with specific needs to the appropriate services despite social workers at SAR conducting rapid assessment for all unaccompanied children. While the social workers from the Ministry of Labour and Social Policy Department of Child Protection should assess the child's well-being and indicate any specific needs and risk-mitigation measures, in the majority of cases these reports are formal. Bulgarian law provides for mental health and psychosocial support (MHPSS). In practice, such support is limited to what NGOs with limited resources can provide on a project basis.

According to LAR, asylum-seeking and refugee children have access to education under the same conditions as Bulgarian citizens. Legislative and policy changes, as well as concerted efforts by the authorities, including awareness-raising, have contributed to a significant increase in the number of asylum-seeking and refugee children enrolled in schools. At the same time, legislative provisions guaranteeing the provision of additional support to such children enrolled in Bulgarian schools are not consistently applied in practice, with attendance and motivation being impacted negatively due to failure to equip schools and teachers with skills and tools to support children's integration and inclusion in education and lack of initial Bulgarian language skills.

There is need to strengthen the identification and response systems for the protection of children at risk,

¹ UNHCR, *Voices of Refugee Children in Bulgaria 2023*, March 2024.

guaranteeing their inclusion in national response and protection systems, through the timely and effective

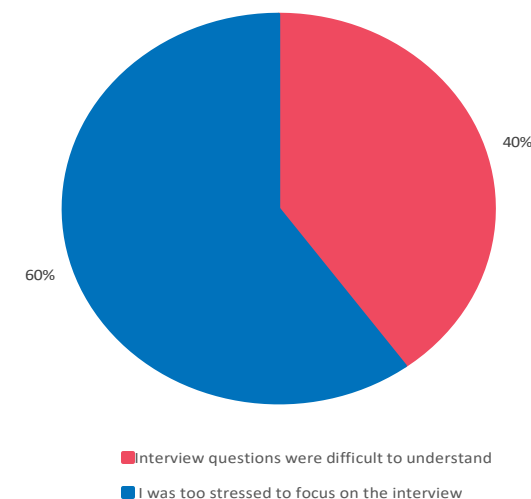
identification of specific needs and referral pathways to multisectoral quality services. The internal rules of SAR provide that social workers should be present in registration including to identify asylum seekers with specific needs or vulnerabilities, stemming from their age, gender, disability or experiences of torture, gender-based violence, or other serious forms of psychological, physical or sexual violence. In 2023, social workers were present in 50 percent of the registration interviews, and identification or needs assessment reports were not available in 91 percent of the cases monitored.²



In **91%** of files needs assessment reports were not available.

In 2023, social workers were only present in 50% of interviews

Bulgaria's law guarantees that children's best interest informs all decisions in the international protection procedures. According to Bulgarian Helsinki Committee's RSD Monitoring Report, best interest assessments were available only in 39 percent of cases. UASC are particularly disadvantaged in accessing international protection. In a participatory assessment with children by UNHCR, 40 percent of children interviewed found the questions asked too difficult, and 60 percent were too stressed to focus on the questions, demonstrating a large room for improvement in child-friendly procedures. Children also told UNHCR that the interpreters did not always speak their language, requiring them to answer questions in a language they did not fully understand.³ In six instances in 2023, interpretation was not provided at all.



Efforts are being made to address these issues and to strengthen the national child protection system, including legal guardianship, alternative care and psychosocial support. However, these efforts need support on the part of the Government and the EU, and the need for a responsive social protection system tailored to the needs of child refugees in Bulgaria remains urgent. A key solution is developing diverse and appropriate

² BHC, *ANNUAL REPORT ON STATUS DETERMINATION PROCEDURE IN BULGARIA 2023*

³ UNHCR, *Voices of Refugee Children in Bulgaria 2023*, March 2024.

alternative care solutions that meet the specific needs of UASC, aligning with international and EU standards. Insufficient alternative care arrangements and limited inclusion of UASC in the child protection system aggravate the risks facing UASC, including trafficking and abuse and exploitation.

The State Agency for Refugees and the State Agency for Child Protection, in collaboration with UNHCR, are exploring opportunities to establish a national mechanism for response to the urgent protection needs of UASC in Bulgaria. On 23 April, UNHCR and the Council of Europe organized a roundtable on the protection of unaccompanied and separated asylum-seeking and refugee children demonstrating a determination to work hand in hand with national stakeholders to protect the human rights of this extremely vulnerable group. In May, UNHCR Bulgaria facilitated a familiarization visit to Greece to examine the model of the National Emergency Response Mechanism for UASC established there in cooperation with UNHCR Greece and EU Asylum Agency.

This protection brief provides a brief concise overview of the key protection issues facing unaccompanied and separated asylum-seeking and refugee children in Bulgaria, namely limited access to alternative care arrangements, lack of legal and guardianship, and limited access to family reunification.

Protection risks

1. Limited access to alternative care arrangements

The lack of appropriate alternative care solutions that meet the specific needs of UASC remains a serious challenge. The Law on Asylum and Refugees provides that unaccompanied children can be accommodated with relatives, foster families, and in residential care services; however, there are no sufficient places in residential care facilities and there are no foster family programs for UASC. The national social services' lack of administrative, residential, and financial capacity is a major challenge.

The absence of appropriate reception and care arrangements within the national child protection system contributes to the high absconding rate of unaccompanied children and exposes them to risk of exploitation. Children who abscond are declared missing and the police is notified. The case management system needs further support to ensure consistent tracing of children.

Refugee and asylum-seeking UASC are accommodated in "safe zones", located in the Registration and Reception Centers (RRC) of the State Agency for Refugees, until the completion of their legal procedures. Nevertheless, due to delays in international protection and family reunification procedures and difficulties in finding longer term alternative accommodation, children often end up staying in these emergency accommodation facilities for longer periods e.g., until they are 18. There is no solution for aging out children who have to leave the RRCs when they turn 18, without support in a critical period of their lives. While these emergency accommodation solutions are an important element of response to UASC protection needs, there is need for to regulate support to children in these facilities, address their isolation from family and community settings, and facilitate interaction between social workers and children at the reception centres. UNHCR participatory assessments indicate that majority of children wish to have educational opportunities as well as more access to cultural and sports activities.

Boys accompanied by individuals declaring themselves relatives are accommodated in reception centres together with adult men. Most children eventually abscond from the reception centres. While missing children can be reported to the police, there is no effective system to ensure the tracing of children.

In 2023, 26% of UASC were accommodated together with adult asylum-seekers in reception centres.⁴ In November 2022, a residential care facility in Ruse was opened by the Ruse Municipality, with the capacity to accommodate 16 asylum seeking or refugee children. In 2023, a residential care facility for unaccompanied children was opened by Oborishte Municipality in Sofia in cooperation with UNHCR and its partner Bulgar-

⁴ [Bulgarian Helsinki Committee, ANNUAL REPORT ON STATUS DETERMINATION PROCEDURE IN BULGARIA 2023](#)

ian Red Cross, with the capacity to accommodate 11 asylum seeking or refugee children. Under the Asylum Migration and Integration Funds, six more residential care facilities for unaccompanied children will be set up in Sofia, Rousse and Montana in 2024. It is important to use this opportunity to set up diverse alternative care options in Bulgaria, including supervised semi-independent living arrangements for teenage children or children who have turned 18 years.

The national child protection system needs to ensure UASC have effective and full access to safe, age and gender-appropriate care arrangements. In this context, there is an urgent need to enhance emergency and alternative care capacity, improve the capacity of care givers, including social workers, put in place a monitoring or assessment modality, and ensure that care arrangements are decided based on the child's best interest.

2. Limited access to social care and guardianship

Law on Asylum and Refugees (LAR) stipulates that UASC seeking international protection are assigned lawyers from the National Bureau for Legal Aid to represent them in legal and administrative procedures. While many lawyers have acquired significant experience and can discharge their duty to provide quality legal assistance and support to the children they represent, there is need to expand and improve legal representation capacity. Legislative amendments have been proposed to introduce the definition of a separated child, under which appointment of legal representatives for separated children for the purpose of the status determination will be mandatory, and the accompanying adult will have the right to act on behalf of the child, for example, to sign consent for medical treatment and for enrolment in school. LAR regulates the representation of children seeking international protection, but it does not provide for the appointment of representatives to children under temporary protection. Relatives or other persons known to displaced UASC from Ukraine can provide a power of attorney or, in its absence, the accompanying adults can sign a declaration that they will provide the necessary care. Following the fulfillment of these formalities the accompanying adult can apply to be vetted by the child protection services as a substitute caregiver under the Law on Child Protection with the right to legally represent the child under the Family Code as amended in 2023.

In addition to relatives, "other adults" residing in the country who have no relationship with the child can be appointed as guardians, except when deprived of parental rights or having been convicted of a serious crime. This appointment is an administrative measure and is not subject to judicial review. The impact of these provisions in relation to guardianship is yet to be assessed.

There is no programme yet to train or certify non-relative legal guardians. There is need for an independent guardianship institution or mandate that can cater for the needs of forcibly displaced unaccompanied children. Bulgarian Government's efforts towards the implementation of the EU Pact on Asylum and Migration, in particular the Asylum Procedures Regulation and the Qualifications Regulation, offer important opportunities to introduce a system of representation and guardianship and care of the UASC, including through introduction of professional representatives and legal guardians and establishing a mandate to ensure ongoing supervision and monitoring of guardians to ensure they perform their tasks effectively.

3. Limited access to family reunification

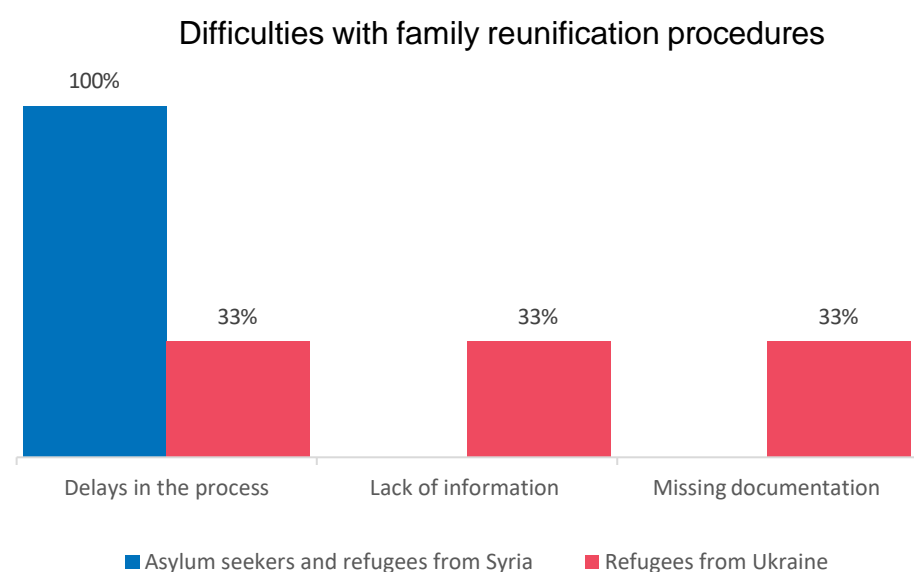
The right to family life and the principle of family unity are essential to the wellbeing of children and are of particular importance in the refugee context. Maintaining family unity helps ensure the physical care, protection, emotional well-being and self-reliance of refugee children. Prolonged separation from family members can have devastating consequences on the well-being of refugees and their families. UNHCR Executive Committee has called for every effort to be made to ensure the reunification of separated refugee families with the least possible delay.

Under the Law on Asylum and Refugees, unaccompanied and separated asylum-seeking and refugee children can apply to reunite with their parents, guardian, custodian responsible for them, and with their minor siblings. According to the State Agency for Refugees, in 2023, 1,166 positive decisions for family reunification were issued, while 49 applications were refused. Only a small portion of applicants are then processed by

the respective consulates, with the majority facing considerable visa delays.

Family members with family reunification decisions continue to encounter problems with issuance of visas. The provisions of the Law on Foreigners are applied in processing applications for family reunification instead of the provision of LAR for refugee family members. LAR stipulates that where an applicant is unable to provide official documentation, family links can instead be established by a signed declaration. Bulgarian law has been cited as an example of good practice in relation to this flexibility. In practice, consulates of the Ministry of Foreign Affairs request applicants to provide additional documents although if they have already received a positive decision by SAR.

Other issues identified by refugees which relate to family reunification, include absence of an integration scheme for reunited families; no specified maximum duration for family reunification application processing; no assistance in travel document issuance; standard visa fees (related to lack of provision for reduced fees); insufficient information on family reunification procedures; delay in procedures following positive SAR decisions; absence of data; inadequate availability of interpreters; and absence of detailed visa procedure instructions in legislation when issuing visas for beneficiaries of international protection.



The amendments to the Law on Asylum and Refugees submitted by SAR to the Council of Ministers in March 2024 include a provision that would limit effective access to family reunification for beneficiaries of subsidiary protection, who are mostly Syrian refugees. In particular, the proposed amendments require the applicant to provide official written evidence proving family relationship and copies of the personal or travel documents of family members along with their application for family reunification. Most subsidiary protection beneficiaries are Syrian refugees. The existing provisions of the law provide for such flexibility by stipulating that where the person cannot present official documents certifying marriage or family relationship, these are to be ascertained through a declaration signed by the refugee, or by other means, in line with the EU acquis.

The proposed amendments also envisage that family members of the unaccompanied child should sign a declaration certifying that they will provide accommodation and subsistence for the child after the reunification. If adopted, this would effectively limit effective access to family reunification if they are not in a position to provide accommodation and subsistence for the child. This obligation can be fulfilled by most refugees only if they receive integration support, including initial accommodation support and social assistance, after they arrive on the territory of Bulgaria.

While administrative delays are currently the main challenge for refugees from Syria and other countries, refugees from Ukraine face other challenges limiting their ability to reunite with their family members, including a lack of information and a lack of documentation required to complete family reunification procedures.⁵

Calls to action

On identification of unaccompanied and separated children

It is recommended that the Government adopt the National Strategy for the Child, including specific measures on alternative care, legal representation and guardianship UASC. There is an urgent need to strengthen identification and response systems for child protection in Bulgaria. This includes ensuring timely and effective identification of specific needs of unaccompanied and separated children and establishing referral pathways to multisectoral quality services.

On language training

Children should be provided with adequate language support to facilitate communication with healthcare providers, social workers, and other service providers. Interpreters, particularly community interpreters, need training and certification to work with children and provide professional services that avoid harm.

On alternative care arrangements⁶

It is recommended to ensure that UASC have effective and full access to safe, age and gender-appropriate care arrangements within the national child protection system. Efforts must continue to develop and expand appropriate alternative care solutions that are aligned with international and are underpinned by the principle of the best interests of the child.

Emergency accommodation under the national asylum system should not be used for longer than necessary and does not offer an appropriate, child-sensitive solution that can replace a professional alternative care. Alternative care should not substitute family care, including through family reunification, and care should aim to provide stable conditions that respect the child's history and enable their development. Children should participate in decisions affecting their care arrangements.

On legal representation and guardianship

It is recommended to ensure consistent and quality legal representation for UASC seeking international protection. UASC need legal representation to navigate asylum procedures when they apply. It is also urgent to ensure appointment of appropriate guardians for unaccompanied children in line with their best interests as soon as possible after their identification, including trained and certified guardians with social work background or from the community. The law should ensure guardianship is in the best interests of the child and subject to judicial review.

UNHCR recommends setting up an independent guardian institution under law to recruit, train, appoint, and monitor guardians for UASC.

Legal guardians should be involved on every aspect that concerns the child and be ultimately accountable that the best interests are considered at every stage, except with respect to legal procedures where the advice of the legal representative should supercede. The guardian should serve as the primary focal point for the child and serve as a link between the child and the host community, relevant authorities, services providers, and institutions. UNHCR also notes the position of its partners which suggest a separation of guardianship and legal representation to establish effective checks and balances.

On complaint and feedback mechanism

UNHCR recommends that a complaint mechanism be established and communicated to every UASC. This

⁵ [UNHCR, Voices of Refugees in Bulgaria - Age, Gender, and Diversity \(AGD\), Participatory Assessment 2023, March 2024](#)

⁶ Alternative care arrangements include foster care, family-based and community-based care, and supervised independent living arrangements, addressing the need for sufficient places in residential care facilities and the absence of a foster family program for UASC.

can ensure that the child can express their views, including disagreement with care givers, legal representatives and the appointed guardian. As a general rule, the UNHCR considers that children should be consulted on their views and opinions in line with their age and maturity, so that they are not treated as mere recipients of care and assistance but as active rights holders.

On establishing a national mechanism for the protection of UASC

It is recommended to reinforce the national coordination and emergency response to ensure identification, tracing, and referral of UASC, including accommodation and care solutions, to address urgent protection needs of UASC.

On family reunification

It is recommended to streamline family reunification procedures as children have a fundamental right to family reunification. This includes an obligation to provide clear, comprehensive and practical information on the conditions and procedures for family reunification, including: (a) how to apply online and in-person, how to complete forms, links to the online application platform and what evidence to include, (b) how to draft and create a signed declaration if lacking evidence of family relationships, (c) explicit clarification that refugee families do not need to provide additional evidence, such as financial means or housing, (d) how to check the progress of their application e) how to appeal a negative decision and access legal advice, (f) explicit confirmation that can be provided with a travel document to Bulgaria if they do not have a passport and (g) the reception hours of Bulgarian Embassies and Consulates.

UNHCR further urges the Council of Ministers to maintain the provisions providing for family reunification for refugees who have been granted humanitarian status. In situations where a person granted humanitarian status cannot provide official documents proving the family relationship but has provided a satisfactory explanation for the lack of evidence and their statements are judged to be consistent and credible, the family relationship can be established by interview and other appropriate means. UNHCR further recommends not to adopt the proposed provision to require that family members of unaccompanied children sign a declaration of commitment to provide housing and support after reunification as a prerequisite for being issued a visa, as well as to consider introducing prioritized assessment of visa applications of family members of unaccompanied children.