

UNHCR BULGARIA REPORT AND RECOMMENDATIONS



Expert Meeting on Alternative Care and Guardianship for Unaccompanied and Separated Children (UASC) in Bulgaria

January 2025

CONTENTS

PARTICIPATING INSTITUTIONS.....	3
LIST OF ABBREVIATIONS.....	3
BACKGROUND	4
MINISTRY OF LABOUR AND SOCIAL POLICY POSITIONS	6
DISCUSSIONS AND RECOMMENDATIONS.....	8
1. On Alternative Care.....	8
Background.....	8
Challenges.....	10
Recommendations.....	12
Government Response	14
2. On Guardianship:	17
Background.....	17
Challenges.....	19
Recommendations.....	20

Cover Photo: Unaccompanied Minors who took part in the “Here where I am” Photography workshop posing at the opening of the exhibition in November 2024/ © UNHCR

PARTICIPATING INSTITUTIONS

UNHCR thanks National Bureau for Legal Aid and its partner Bulgarian Helsinki Committee for supporting the organisation of the Expert Meeting on Alternative Care and Guardianship for Unaccompanied and Separated Children in Bulgaria, which convened as part of UNHCR multi-stakeholder consultations under the Refugee Coordination Model, as well as UNICEF and the International Organisation for Migration (IOM); and the Ministry of Labour and Social Policy, the State Agency for Child Protection and the State Agency for Refugees at the Council of Ministers, the National Police Department for the Prevention of Juvenile Crime, Burgas, Ruse and Lesichovo municipalities, the Bulgarian Red Cross, the Council of Refugee Women in Bulgaria, the Foundation for Access to Rights, the National Network for the Child, SOS Children Villages, directors of family-family type accommodation centres in Sofia, Burgas and Ruse, IGA Foundation as well as academia representatives for their active participation and their contributions throughout the consultations.

UNHCR is grateful to the Ministry of Labour and Social Policy and the State Agency for Social Assistance, the State Agency for Refugees, UNICEF and BRC family-type accommodation center in Pazardjik for their valuable additional inputs on the initial draft of this report.

January 2025

LIST OF ABBREVIATIONS

- ASA** - Agency for Social Assistance
- BHC** - Bulgarian Helsinki Committee
- BRC** - Bulgarian Red Cross
- CRWB** - Council of Refugee Women in Bulgaria
- FAR** - Foundation for Access to Rights
- IOM** - International Organisation for Migration
- MLSP** - Ministry of Labour and Social Policy
- NBLA** - National Bureau for Legal Aid
- SACP** - State Agency for Child Protection
- SAR** - State Agency for Refugees at the Council of Ministers
- UASC** - Unaccompanied and Separate Children
- UNHCR** - UN Refugee Agency
- UNICEF** - United Nations Children's Fund

BACKGROUND

On 23 October 2024, UNHCR in collaboration with its partner Bulgarian Helsinki Committee (BHC) convened an expert meeting on Alternative care and Guardianship for unaccompanied and separated children in Bulgaria, intended as part of annual UNHCR consultations with civil society, service providers and communities. The purpose was to take stock of the existing challenges and provide recommendations on how to address them, taking into account the opportunities for legislative and police changes arising in the context of the implementation of the EU Pact on Migration and Asylum, as well as access to funding opportunities so as to ensure children have access to reception and care within the national child protection system.

In total, 35 representatives of residential care services accommodating children seeking or granted international protection including Ruse, Burgas, Pazardzhik, Lesichovo and Sofia, the municipalities which are in charge of commissioning services on their territory, the State Agency for Refugees, the State Agency for Child Protection, the National Bureau for Legal Aid, the National Foster Care association, IOM, UNICEF, the Bulgarian Red Cross (BRC), and NGOs providing legal and social assistance – SOS for Children Villages, Foundation to Access Rights (FAR), BHC, and the Council of Refugee Women in Bulgaria (CRWB) took part in the meeting.

In welcoming the participants, UNHCR praised the commitment of the participants to child protection in an environment where political and social dedication to human rights of forcibly displaced and stateless persons are declining while armed conflict and displacement is rising around Bulgaria. UNHCR considered the belief that Bulgaria is a transit country as a challenge to child protection, underlining that Bulgaria is a country where children at risk, including unaccompanied and separated children, find the care and protection they deserve, and are entitled under European human rights law and EU standards. While there is much to be done to improve the reception and protection of UASC as long as their stay in Bulgaria, a common understanding and commitment to the principle is a big first step. Referring to the findings and recommendations of the Special Representative of the Secretary General of the Council of Europe on migration and refugees in 2023 and the Roundtable on alternative care and guardianship in April 2024, as well as the series of events on response to the vulnerabilities of UASC organised by UNHCR in collaboration with the EU Asylum Agency and the Greek Ministry of Migration and Asylum in July 2024, collective thinking by experts provides an opportunity to find new solutions to old challenges, as well as looking at those challenges from new angles.

The recommendations that the experts participating in this event identified should also inform the national implementation of the EU Pact on Migration and Asylum with regards to child protection. In this respect, UNHCR has made several comments and recommendations for the national implementation process.

These include, in particular:

- introducing robust identification mechanisms for UASC and other children at risk, including those with disabilities, victims of trafficking, those at risk of trafficking, and those experiencing trauma, at the earliest possible stage and ensuring they have effective access to services.

- introducing provision for the appointment of a guardian as soon as possible to protect the child's rights, in addition to a legal representative for the purposes of legal procedures. This framework should also include professional guardians who are trained, establishing an independent guardian institution to recruit, train, appoint, and monitor guardians for UASC and a supervisory mechanism to monitor the performance of tasks of representatives and review complaints from unaccompanied minors and ensure they are equipped with the necessary resources.
- ensuring that adequate resources are allocated for family-based care arrangements (and supervised independent living arrangements when appropriate), and that inclusion of UASC into the national child protection system be prioritized, strengthened and collaborate with UNHCR to monitor alternative care standards. Cooperate with UNHCR, municipalities and child protection NGOs to enhance the national capacity of supervised independent living arrangements, including by allocating resources for this purpose;
- introducing procedures to consistently assess the best interest of the child from the moment of arrival and allocate the necessary financial and administrative resources to support the effective functioning of these procedures. The responsible institution of conducting with best interested procedure are child protection departments. A multidisciplinary approach is necessary for the guarantee that the best interest of UASC is respected.

This is right time for the Government of Bulgaria to adopt its National Strategy for the Child.

It is also important for the experts and civil society to leverage this process to improve protection and solutions for UASC, incorporating also the European Commission's [Recommendations on developing and strengthening integrated child protection systems in the best interests of the child](#), the [General Comment No. 6](#) concerning the Removal of unaccompanied and separated children outside their country of origin, [the General Comment No. 14](#) concerning the best interests of the child - a primary consideration of Convention on the Rights of the Child.

UNHCR also stresses the EU Fundamental Rights Agency's (FRA) [handbook on guardianship for children deprived of parental care](#) and FRA and EU Asylum Agency's [Practical Tool for Guardians – The asylum procedure](#).

MINISTRY OF LABOUR AND SOCIAL POLICY POSITION

The Agency for Social Assistance Agency (ASA) has clarified their position that the identification of a child as a child (i.e. under 18), and that he/she is not accompanied by parents or relatives, is crucial for access to the rights and guarantees for child protection at the earliest possible stage (at the child's first contact with institutional representatives). According to the legislation in force in the field of migration and asylum in the Republic of Bulgaria, a police authority that has identified an unaccompanied child shall notify the Social Assistance Directorate of the child's place of residence. The notification letter shall also include information on the identified needs of the unaccompanied child during the initial contacts with them, including risk factors (trafficking, smuggling, violence). In this regard, strengthening resources for early identification of children (at the border or within) and risk assessment in initial actions with children will prevent the undue detention of unaccompanied children in the centres of Ministry of Interior, and enhance the effectiveness of actions in combating trafficking and exploitation.

At present, representation of UASC seeking and granted international protection is carried out under the Law of Asylum and Refugee Act (LAR) by lawyers registered in the Legal Aid Register of the National Legal Aid Bureau (NLAB). Representation of unaccompanied children is partially regulated and regulated in various legal acts. Unaccompanied children in an international protection procedure are represented by lawyers from the NBLA, while those who have not applied under the LAR or have been refused status are represented by social workers from the Child Protection Departments (CPD) of the Social Assistance Directorates (SAD) only in the procedures and proceedings regulated by the Law of Foreigners. In this way, in practice, separate modes of representation are distinguished according to the migration status of the child, which is contrary to the principle of non-discrimination. According to MLSP the guardians should be independent and should not be assigned to the social workers of the ASA, since the legal framework empowers them to define and implement specific child protection measures and to supervise their implementation.

Because of these functions, it is not appropriate for the social worker to perform, on the one hand, supervisory functions and, on the other hand, again to perform representative functions in relation to the unaccompanied child which put him in the situation of conflict of functions and interests. In administrative proceedings with UASC the social worker from the ASA is involved by virtue of Art. 15 of the Child Protection Act, a function which differs from legal representation, guardianship or custody.

According to the ASA, in cases where protection measures are taken and an unaccompanied foreign child is placed in a social service for children, the Directorate for Social Assistance makes an assessment which concerns the location of the social service facility. An assessment is made of the social, educational and health infrastructure in the area, as well as the availability of social service providers and NGOs and international organisations that could provide specialised support to children, expertise and an interpreter.

ASA has identified the need for targeted familiarisation of the local authorities and the local community with the profile and needs of refugee children, as well as with the commitments of the state and local authorities to guarantee their rights and interests as regulated in the national legislation in the field of child protection, migration, asylum and refugees. In this regard, all

opportunities should be taken to build models and good practices for joint efforts, coordination and partnership.

The need to increase the capacity and preparation for the placement of unaccompanied children in social services for residential care is also recognised, therefore it is necessary to create additional support mechanisms for these services. The provision of sufficiently qualified interpreters and cultural mediators will support comprehensive social work with unaccompanied children. A proposal has been made by the ASA to provide multidisciplinary teams of specialists with the necessary expertise at district level to provide targeted support to institutions and local authorities in their work with unaccompanied refugee children. This team should be composed of experts from state institutions, international and non-governmental organisations.

The assessment of the best interests of an unaccompanied child requires a multidisciplinary approach and interaction between the competent State authorities. The ASA, as the child protection authority, when making this assessment, considers:

(1) the wishes and feelings of the child; (2) the physical, mental and emotional needs of the child; (3) the age, (4) sex, (5) background and (6) other characteristics of the child; (7) the danger or harm that has been caused to the child or is likely to be caused to the child; (8) the ability of the parents to care for the child; (9) the consequences that will occur to the child if circumstances change; (10) other relevant circumstances.

It is necessary to collect information and provide opinions from various institutions relevant to the rights and interests of UASC to make the assessment. It is acknowledged by the ASA that it includes measures for referral to medical services, specialized psychological support, family tracing, family reunification, education, legal support, use of social services, etc. In this regard, the possibility of developing standard operating procedures for the work with UASC and a procedure for assessing their best interest could be considered as part of the Coordination Mechanism for Unaccompanied Foreign National Children, including refugee children.

The assessment of the best interests of the child shall be carried out by all authorities responsible for the reception of unaccompanied children in international protection proceedings. It includes taking immediate action to refer them to specialised care and services and to ensure that their special needs are met. It is based on the need to protect children and find a long-term and sustainable solution. The assessment ensures that the unaccompanied child can live in an environment that meets their needs and respects their rights.

ASA proposes that multidisciplinary teams of qualified professionals be formed and trained to make a well-informed and joint decision about the best interests of the child, following a complex assessment of the child's situation and needs for health, psychological, emotional support, an understanding of the particularities of the environment from which they come, an assessment of the risk to the child and an assessment of their relationship with the adults around them.

DISCUSSIONS AND RECOMMENDATIONS

1. On Alternative Care

Background

Unaccompanied children seeking international protection in Bulgaria are children at risk within the meaning of the Child Protection Act. Under Article 3 of the UN Convention on the Rights of the Child, the state is obliged to take all actions to ensure such protection and support, in accordance with the best interests of the child.

Bulgarian legislation envisages that unaccompanied and separated children (UASC) are to be accommodated:

- (1) With family members or relatives, it is not necessary to be blood related, foster family, social or integrated integrated-social service for residential care under the conditions and procedures of the Law on Child Protection (Art. 4, para 2).
- (2) In other accommodation places with special conditions for children, thus prioritizing community-based and alternative care models.

According to the provisions of the LAR, in addition to the measures listed under the Child Protection Act, unaccompanied children seeking or granted international protection may be placed in other places with special conditions for children under 14, defined as minors (Article 29, para. 10 (2) and Article 33 (2)). In three reception centres, the State Agency for Refugees have established so-called safe/protected areas where unaccompanied refugee children are accommodated. These facilities do not consistently provide the necessary reception conditions and care. Such arrangements may be appropriate only as emergency measure, pending placement within the national child protection system.

Despite recent progress, few residential care services have agreed to accommodate unaccompanied children, while currently only three such services, specialized in accommodation of such children accommodate UASC throughout the country including crisis centre for unaccompanied children in Ruse, the residential care service in Oborishte district in Sofia and the transitional housing in Burgas. Throughout the country, residential care services such as those in Vidin, Novo Selo, Ruse, Pazardzhik, Momchilgrad, Silistra, Lesichovo, Zvanichevo, Shumen, Sofia, Kardzhali etc., have also accommodated unaccompanied children alongside Bulgarian ones, but this is not sufficient to address the need for placements in view of the number of unaccompanied children seeking international protection: **12,754** from January 2021 until end of October 2024, including 358 unaccompanied children accommodated at SAR centres as of 31 October 2024.

Participants highlighted the efforts that have already been made to facilitate the adaptation of UASC. Representatives of residential care services and crisis centres highlighted the need to be aware of the cultural background of the children and show flexibility to accommodate their needs, working patiently to build a relationship of trust and offer them a sense of perspective.

The need to work with the parents was stressed as well as the necessity to provide emotional support to UASC, have well developed social skills and are able to take care of themselves. They have gone through emotionally traumatic experiences and endured family separation but lack such support.

Conscious efforts are made to support their inclusion in various activities conducted at local level by the municipalities which host such children, including their participation at various cultural and sports events organized by the respective municipality. Directors of services shared their experience with organizing welcome events for newly accommodated children, as well as celebrating birthdays. Their efforts are geared towards ensuring that children either attend school or have access to employment when they are above the mandatory school age.

The issue of whether to have specialized residential care services for UASC or instead focusing on placing them together with national children was raised. Participants highlighted the need to rely on both, emphasizing that specialized institutions do not necessarily lead to segregation. On the contrary, as they aim to provide family-based care, those accommodated in them share similar characteristics (culture, language) just as they would in a family.

Additionally, the directors of alternative care facilities emphasize the essential role of interpreters and cultural mediators. There should be authorized legal representatives in every municipal town where UASC are accommodated. The family accommodation centres do not have the opportunity to organize transportation every time needed to the reception centres where the procedures take place. In terms of capacity building, the staff need to be familiar with the national characteristics of the country of origin of UASC to avoid conflict situation and tensions between UASC and Bulgarian children. UASC must be prepared before their accommodation in the alternative care facilities for their rights and obligations.

The internal rules of family type accommodations should be translated in Arabic/Farci and distributed among all facilities who are working with UASC. A compulsory Bulgarian course should be provided. During the discussion some of participants shared that the Regional Education Inspectorates in different places interpret the law of enrolment of UASC not in same way. UASC who are over 16 years old usually prefer to work than study. There is challenge with the Labor Inspectorate of finding a suitable jobs as most of the employers require Bulgarian.

After Bulgaria fully entered the Schengen area, some of the family reunification procedures has been violated. After issuing a Schengen visa, instead of arriving to Bulgaria, parents directly go to Western European countries while asking the child to join them illegally, despite all child protection measures which are taken by responsible institutions (SAR, ASA/child protection departments, legal representatives, care givers, teachers) during his stay in Bulgaria.

While services are ready to undertake the tasks of providing care, they highlighted the need to receive more support from state institutions to ensure the provision of services and support in areas which are not directly covered by residential services such as child development, MHPSS, education, and healthcare.

The search for new opportunities for alternative care and services for unaccompanied children seeking international protection in Bulgaria is a key factor for solving the problem of placing unaccompanied children in an environment close to the family, where they will receive individual

support and better adaptation to the new environment. The insufficient number of available places in the existing social services-residential care in the country, the unforeseen financial costs in the services for specific care for these children (translators, mentors), the lack of skills in the teams of the services for working with refugee children, the insufficient knowledge of the cultural and ethnic specificities of these children, the language barrier, the persistently negative stereotypes in society – **all hinder the socialization of children and require normative changes in national legislation.**

SAR follows policies to respect the rights of unaccompanied children and plans for alternative care and services. Currently, SAR has prepared a project proposal "Establishment of Alternative Social Services for Unaccompanied Refugee Children in Bulgaria."¹

Participants further observed that in some cases working with UASC may be easier than working with national children deprived of parental care. However, more awareness-raising is necessary especially among the local population which may initially have concerns with the presence of foreign adolescents in their communities, given their negative portrayal, especially young men from the Middle East. The support of local municipalities, which oversee establishing and maintaining such services, is of crucial importance. Despite the challenges, the care of unaccompanied children has numerous benefits for both the children themselves and host societies. These children bring their culture, experiences in diverse societies during their journeys and dedication to education and work, their skills and labour power Bulgaria needs. As international experiences and studies have demonstrated, when they are given educational and integration opportunities, young refugees can become a powerful source of economic, social and cultural development locally and nationally.

During the meeting, the following barriers which negatively impact access to alternative care were identified:

➤ COMMUNICATION

Lack of funding within the financial standard allocated to the social services to cover the cost of interpretation and lack of interpreters hinders effective communication between the personnel of the service providers and the children accommodated. This is one of the main reasons for social care service providers to hesitate about accommodating such children. Initial identification and referral, as well as providing them effective services, including MHPSS and personal development opportunities, is also hampered by the lack of interpreters.

➤ CAPACITY-BUILDING NEEDS

Limited knowledge and training about the displacement experiences of UASC, their behavioural patterns and culture as well as the national legislative framework in Bulgaria and the countries their parents may be residing and the European standards. Frequent staff turnover at such facilities, due to, among others, the low pay, limits the impact of training. The creation of website

¹ The funding has been granted under a direct grant procedure entitled: Procedure No. 3 Specific Objective 1 "Common European Asylum System", Specific Objective 2 "Legal Migration and Integration". It is planned to construct 5 family type accommodation centers with capacity x 12 places for unaccompanied children and 1 Transitional Housing with capacity x 8 places for unaccompanied children. The project will be implemented in partnership with 5 municipalities, IOM and UNICEF within 4 years.

or share place with legislative changes, methodologies, contact numbers of responsible institutions and translators, legal representatives, volunteers, etc. was proposed as well.

➤ **ADOLESCENTS AND YOUNG MEN TRANSITIONING TO ADULTHOOD**

Given capacity-building needs, concerns regarding the age of the children in view of appearance of some children to be older, the absence of documents and concerns about potential risks of accommodating aging-out children and young men transitioning to adulthood with younger children.

➤ **LIMITED MHPSS SUPPORT**

Limited and project-based MHPSS available at reception centres, safe zones and alternative care facilities. This is compounded by experiences of children during displacement, including trauma, lack of parental support, exclusion from education and child development opportunities as well as limited emotional development and support opportunities as adolescents.

➤ **SAFETY**

Concerns about children absconding from the residential care services including due to arrangements with smugglers and expectations of the family members and community displaced in third countries or country of origin who need their children to find employment as soon as possible for reasons of survival and/or paying debts they have undertaken to be able to pay the smugglers. These concerns are compounded by unclear accountability for the children's safety and protection from abuse and exploitation, including sexual and labour exploitation, as well as trafficking in human beings.

➤ **SOCIAL COHESION:**

Potentially negative attitudes of the local community, and lack of programs to support social cohesion with local host communities. Political concerns of municipalities, especially Sofia, to set up residential care facilities to host UASC due to protests by the host community.

➤ **EDUCATION:**

Bulgarian language classes – residential care services do not have the opportunity to provide such classes. The educational system is currently not well-prepared to ensure the effective inclusion of unaccompanied children due to lack of teachers who have experience working with UASC, lack of preparatory classes, lack of additional language and educational support and needs to adapt to their needs.

➤ **ADAPTATION:**

Children residing at registration-reception centres of SAR have difficulties transitioning to placements within residential care services following a daily schedule and stricter rules.

To address the identified challenges, participants proposed the following recommendations for the Government of Bulgaria to:

1. Ensure that alternative care standards are in place and monitored.
2. Incorporate an additional component in the financial standard for social services for children to cover the needs of unaccompanied children when they are accommodated at such services such as interpretation, dietary requirements in accordance with cultural and religious considerations, additional psychological support.
3. Develop methodology handbook on working with unaccompanied children to be made available to social workers and other experts, in collaboration with the international and national stakeholders.
4. Consistently organize preparatory meetings between unaccompanied children residing at RRCs and the residential care service provider prior to placement.

According to ASA, the recommendation has a practical orientation and is within the competence of the staff of the alternative care facility and the registration and reception Centres of the SAR who work directly with children. Also, the Coordination Mechanism for Interaction between Institutions and Organisations in Cases of Unaccompanied or Separated Children of Foreigners on the Territory of the Republic of Bulgaria, including Children Seeking and/or Granted International or Temporary Protection (Coordination Mechanism), approved and put into practice in 2022, includes similar activities, including the preparation of the child for removal from the SAR centre and placement in the designated social service. The Coordination Mechanism includes commitments of the ASA and the Mayor of the municipality to undertake preparatory actions (prior to the delivery of a decision to grant international protection) to negotiate the placement of the child in an appropriate social service and the placement of the child in the service. In this respect, the ASA and the child's representative shall hold a team meeting with the head and the staff of the service. The social worker from the child protection department shall take action to prepare the child for removal from the RRC centre and placement in the designated social service.

5. Ensure availability of Bulgarian language classes and additional educational support and provide capacity-building to teachers teaching Bulgarian as a foreign language and emphasize that attendance of UASC is mandatory.
6. Consider placing unaccompanied children in dedicated residential care facilities (including setting up such facilities, where possible with EU funding with the aim of transitioning to state-delegated activity) as well as in existing services, together with national children. SAR, with the partnership of UNICEF and IOM and six municipalities has a pilot project for provision of six specialized services for UASC in Bulgaria.

At present, there is no obstacle for children from the target group to be placed in existing social and integrated health and social services for residential care as a protection measure under the Child Protection Act. However, it is important to note that municipalities as the main provider of social services in the country have a leading role in the processes related to the planning, establishment, management and provision of social services. It has also been pointed out by the ASA that the establishment of specialised residential care centres for unaccompanied children should be recognised as a need by local authorities. The establishment of such centres through project activities will improve the capacity to accommodate unaccompanied foreign children in the social services for children under the Children Act.

7. Establish a repository where all relevant materials concerning working with unaccompanied children, information and other materials can be uploaded and made accessible.

The exchange of information between institutions regarding the situation of unaccompanied children is crucial for the follow-up action to be taken to ensure to the fullest extent the rights and interests of unaccompanied children. In this regard, the ASA considers that the establishment of an integrated inter-institutional information system (database), which would track the path of an unaccompanied child from the moment of entry into Bulgaria until leaving the country, even after that, would enable to follow the situation of the child, the work of the institutions and the actions taken at national level. Currently, each institution collects data independently and there are no uniform statistics on the number and movement of unaccompanied foreign children, which is a prerequisite for their exposure to a number of risks - exploitation, violence, abuse, and disappearance.

8. Ensure the mechanism and standards introduced to monitor the quality of social services considers the needs of UASC, noting that the Social Services Quality Agency (SQSA) established by the ASA relating to the control and monitoring of the provision of social services.
9. Adopt a holistic approach to providing care for UASC, including mental health support and prevention of self-harm.
10. Strengthen the national foster care system and ensure unaccompanied children have effective access to it building on some good practice examples.
11. Provide support for the integration of such children, including targeted measures, and offer them clear perspectives and opportunities to enable them to see their future in Bulgaria.
12. Updating of the National Map of Social Services by the ASA, with an up-to-date analysis of the needs for new social services, in order to plan services including the number of unaccompanied children seeking international protection, noting that there were a total of 358 unaccompanied children (as for January 2025) in the reception centres RRC of the SAR for whom has to be taken protection measures according to Child Protection Act in Bulgaria.
13. Additional training of foster parents for placement of unaccompanied children and inclusion of foster care as a state delegated social service.

UNHCR to:

14. Provide capacity-building for personnel of residential care services on working with unaccompanied children, including working with UASC considering their displacement experiences and trauma, their behavioural patterns and cultural background standards
15. Support refugee communities to provide foster care to unaccompanied children, in particular children under 14.

All stakeholders to:

16. Organize meetings and awareness-raising events with the local community and consider the possibility of launching a nation-wide awareness-raising campaign.

Government responses regarding alternative care

Alternative care standards

In 2022, a part of legislation for the social services sector, which aims to create the conditions for improving their quality and effectiveness in supporting the people who use them and is relevant for individualizing support and care for users, was adopted, namely the Regulation on the Quality of Social Services. The regulation sets new and more precise quality standards for all types of social services, including residential care, which are about organisation and management, about staff qualifications and professional development, and about the effectiveness of the service in terms of outcomes for individuals. Also, in July 2024, changes were made to the Regulation on the conditions and procedure for application, selection and approval of foster families and placement of children in them (promulgated in State Gazette No. 64 of 30.07.2024). As an annex to the Ordinance, requirements for the care that foster families provide for the children placed with them are regulated.

Financial standard for social services

The Social Services Act (SSA) regulates a new procedure for financing social services. According to Article 45 of the Social Services Act, each social service included in the National Map of Social Services is financed from the state budget according to a standard for state-delegated activity, which is intended to finance the costs of its provision and the costs of referral by the municipality for the use of the service. The standard for each social service delegated by the State is determined depending on the type of social service; the way it is used; the group of users of the social service; the duration of its provision; the quality standards of the social service; and the requirements for the necessary specialists.

Article 67 of the Regulations for the Implementation of the Social Welfare Act regulates the elements of costs that form the amount of the standard for the state-delegated activity for the social service of residential care, among them are the costs of communications; costs of accompanying the persons using the service for the purpose of medical examinations and consultations, use of other social services, visits to medical institutions, educational institutions, administrative and judicial authorities and others, including costs specific to the service.

Given the timing of the adoption of the National Social Services Map (RMS No 574 of 08.08.2024) and considering the timing of the drafting of the State Budget for 2025, it is proposed to postpone the entry into force of the standards for the financing of social services defined under Article 45 of the Social Services Act until 2026. In addition, an intersectoral working group was established by the Order of the Executive Director of the ASA RD01-2684/18.12.2024 to develop a proposal for the financing standards for social services to be financed from the state budget for 2026.

Capacity-building

It has been indicated by the ASA that the agency in partnership with leading international organizations (UNICEF, UNHCR, IOM) and with the assistance of NGOs conducts periodic trainings on working with unaccompanied foreign and refugee children for social workers in the child protection system. International and non-governmental organizations support the Directorate of Social Assistance by providing translation in consultations with UASC and their families.

Mental Health and Psychosocial Support

Inter-institutional cooperation is one of the key factors for improving support and ensuring the rights of unaccompanied refugee children in all spheres of public life (health, education, social policy, home affairs, culture, sport, etc.). Taking into account the complexity of the needs of unaccompanied children, all child protection authorities are committed to protecting their rights and interests and, within the limits of their powers and competence, to taking appropriate administrative or other measures. The ASA also indicated that resources should be made available in places of placement for unaccompanied children to assess the traumatic experience of each identified unaccompanied child and to include them in programmes for the prevention of conflict and risk behaviour - aggression, violence, etc. This implies the provision of additional resources from a network of specialists with the necessary expertise to carry out this assessment in SAR centres, social services for children and other places of accommodation for unaccompanied children.

Foster care

Taking into account the needs of unaccompanied refugee children who are children at risk under the Child Protection Act, the provision of foster care is among the protection measures that can be provided for these children. The provision of foster care for different groups of vulnerable children, including unaccompanied refugee children, is also included in the project "Improving the capacity of the Social Assistance Agency staff in relation to the modernization of social protection systems - Component 1" implemented by the ASA.

ASA has indicated that with regard to foster care, there is a need to identify potential and resources for recruitment of foster families from the community of origin of unaccompanied refugee children. The Agency presents the example of the Netherlands, which has a foster care model where children are placed with foster families from their community. Of course, these families should be successfully integrated into Bulgarian society, screened and assessed according to the child protection legislation.

Social inclusion and integration

In addition to the participants' recommendations, ASA indicated that targeted work and preparation of the host community is needed. Conducting systematic information campaigns and media events, as well as direct meetings with representatives of local communities where persons with humanitarian and refugee status live, is aimed at building bridges between communities and good coexistence. On the other hand, refugees must respect all obligations of the host country in order to be fully integrated.

ASA proposes to explore, through the assistance of international and non-governmental organizations, the resources and opportunities to involve members of the community of origin of the children to support social work and to support the process of adaptation and integration in Bulgaria. Exploring good practices in Bulgaria and Europe for the protection and integration work of unaccompanied refugee and migrant children in host societies and presenting them to the professional community is an important step for successful policy making in this direction.

ASA notes that another essential element of the successful integration of unaccompanied children in Bulgaria is the development of mechanisms to motivate unaccompanied children to join the education system by providing the necessary hours for learning Bulgarian language and bridging the gaps in the children's education to date. Including children in vocational skills development courses could also support their integration into society.

The ASA has indicated that the Agency has provided its territorial structures - the Regional Social Assistance Directorates and the Directorate for social assistance with guidelines on measures and activities for the protection and support of UASC, as well as on coordination and interaction with other competent state and municipal authorities. The regional directorates of social assistance has been given emphasis on the need to explore the capacity of residential care services for the placement of unaccompanied refugee children, as well as to explore the resources and attitudes of established foster families.

2. On Guardianship:

Background

UN Convention on the Rights of the Child emphasizes the role of guardians in protecting unaccompanied and separated children and representing their best interest. The European Union Strategy Against Trafficking in Human Beings places emphasis on appointing guardians as soon as UASC are identified. UNHCR's strategy on the protection of UASC in Bulgaria is aligned, among others, with the Council of Europe [Guiding Principles and Implementing Guidelines](#) for Effective Guardianship for Unaccompanied and Separated Children as well as [General Comment 6 of the Convention on the Protection of the Child](#):

1. Effective Guardianship

States should have in place an effective system of guardianship which takes into account the specific needs and circumstances of unaccompanied and separated children in order to protect and promote their rights and secure their best interests.

2. Legal Frameworks

States should adopt and implement adequate legal, policy, regulatory and/or administrative frameworks to ensure the provision of guardianship for unaccompanied and separated children.

3. Timely Appointment

States should ensure that an unaccompanied or separated child has a guardian appointed or designated without undue delay, taking into account individual characteristics, to provide support to the child until the age of majority, and that care and support are available through guardianship or other means for a transitional period after reaching 18 years of age, as may be deemed appropriate in specific situations.

4. Guardian's Role & Independence

States should take measures to empower guardians to inform, assist, support and, where provided by law, represent unaccompanied and separated children in processes affecting them, to safeguard their rights and best interests and to act as a link between the child and the authorities, agencies and individuals with responsibilities for them. States should ensure that guardians enjoy the independence and impartiality appropriate to their role.

5. Access to Information & Remedies

States should ensure that unaccompanied and separated children are provided with relevant information and advice, and that they have access to an independent complaint mechanism and remedies to effectively exercise their rights or act upon violations of their rights.

6. Competent Authority

States should ensure that a competent authority is in place with responsibility for the management of guardianship for unaccompanied and separated children.

7. Resources & Qualifications

States should allocate adequate resources to ensure effective guardianship for unaccompanied and separated children, including ensuring that guardians are adequately screened, reliable, qualified and supported throughout their mandate.

8. Co-operation & Coordination

States should, in accordance with their domestic systems, establish mechanisms and take measures to ensure effective co-operation and co-ordination between people exercising responsibilities towards unaccompanied and separated children, and the guardian and/or guardianship authority.

9. International Co-operation

States should rapidly, constructively and effectively provide the widest range of international co-operation in relation to unaccompanied and separated children, including for family tracing and identifying and implementing sustainable, rights-based solutions, and involve in appropriate ways their guardianship authority and/or guardians.

In Bulgaria, Article 25 of the Law on Asylum and Refugees regulates the legal representation of unaccompanied children, which is provided by lawyers from the legal aid register of the National Bureau for Legal Aid (NBLA), appointed by the Chairperson of the NBLA or a person designated by them. The role of the representative under Article 25 currently combines that of providing legal assistance and representation to the unaccompanied child and other activities which would normally fall within the scope of the role of a guardian or caregiver. The Family code contains provisions regulating the appointment of guardians particularly regarding unaccompanied children as well as general provisions on the scope of the competences of caregivers with whom the child is accommodated pursuant to a child protection measure.

The power of the National Legal Aid Bureau and the lawyers registered with the NLAB have been diluted as a result of the changes to the Asylum and Refugee Act, published in the Official Gazette, issue 89 of 16.10.2020, which provided the provision of conditions for the receipt of legal aid to foreigners seeking international protection in the Republic of Bulgaria, as well as the provisions of Article 25 of LAR, concerning unaccompanied children. In accordance with the agreements, NBLA developed and printed a handbook for lawyers - representatives of persons from vulnerable groups within the meaning of § 1, item 17 of the additional provisions of the LAR with a focus on unaccompanied minors and minors seeking or granted international protection.

NBLA points out that according to the Bulgarian legislation, legal aid in the country is provided only by lawyers registered in the National Legal Aid Register, and according to the Legal Aid Act, it is organized and administered by the National Legal Aid Bureau and the Bar Councils.

On the other hand, under the national legislation, the institutions of guardianship and custody are regulated in the Family Code, according to the norms of which guardianship is established over minors whose parents are unknown, deceased, under full custody or deprived of parental rights, as well as unaccompanied foreign minors who are on the territory of the Republic of Bulgaria. Guardianship shall be established over minors whose parents are unknown, deceased, placed under full custody or deprived of parental rights, as well as over unaccompanied minors who are on the territory of the Republic of Bulgaria. The guardianship and trusteeship authority shall be the mayor of the province or an official designated by them, and he/she shall be obliged to appoint a guardianship council or a trustee and deputy trustees.

Currently, representatives of the management and the administration of the NBLA participate in working groups on the drafting of legislative changes in relation the implementation of the EU Pact on Migration and Asylum.

Participants discussed that the EU Pact on Migration and Asylum distinguishes between the need to ensure representation of unaccompanied children and the need to provide legal assistance and representation to applicants including unaccompanied children. Such separation of guardianship and legal representation would be required to effectively implement the relevant provisions under the Pact files, and is in line with the EU Fundamental Rights Agency's (FRA) and Council of Europe [guidance](#).

During the meeting, the following *barriers* which *negatively impact access to guardianship and representation* were identified:

➤ **LEGAL REPRESENTATION**

Additional responsibilities placed on the representative (NBLA lawyer) concerning being in charge of day-to-day care and aspects of the child's life which do not concern procedural representation and legal assistance. NBLA lawyers which have the necessary skills and training are not always available and appointed in all regions of the country where unaccompanied children are present; low fees paid to NBLA lawyers further discourage them from applying for such roles. Currently there is no mechanism to ensure consistent control of the quality of the provision of services by NBLA lawyers, and they do not have access to interpreters to enable them to engage meaningfully with the child they are representing.

➤ **GUARDIANSHIP LEGISLATION**

Provisions in the Family Code regarding guardianship of unaccompanied children do not fully reflect the needs and circumstances of unaccompanied children. The existing law does not envisage the possibility of having professional guardianship and does not provide sufficient guarantees to ensure their qualifications, training and independence. There is also no mechanism envisaged to monitor the quality of guardianship in line with the child's best interests. Various options were discussed, including guardians being appointed by the respective regional governor (rather than mayor of the municipality), the regional directorate of social assistance or through setting up of a type of a dedicated social service.

➤ **GUARDIANSHIP AND REPRESENTATION FOR MIGRANT CHILDREN**

The representation of children who have not applied for international protection or whose claims have been refused is provided by social workers from the departments of child protection and while the legislation provides for legal assistance, this is not consistently ensured in practice.

To address the identified *challenges*, participants proposed the following *recommendations* for the Government of Bulgaria to:

1. Introduce the necessary legal and policy changes to ensure clear division of responsibilities and distinction between the roles of legal representatives and guardians in a manner that allows reinforced legal representation and guardianship in line with the EU standards as envisaged under the new EU Pact on Migration and Asylum.
2. Consider introducing provisions for the appointment of a guardian as soon as possible to protect the child's rights, in addition to a legal representative for the purposes of legal procedures and introduce a limit on the number of children for which a guardian is responsible to ensure that each child's best interest is pursued by the guardian.
3. Creation of an Oversight Mechanism to monitor the implementation of the responsibilities of the representatives and guardians/carers, ensuring independence and available resources;
4. Establish a supervisory mechanism to monitor the performance of tasks of representatives and guardians, ensure its independence and available resources.
5. Set up a child-friendly feedback and complaint mechanism to review complaints from unaccompanied minors.
6. Consider identifying or establishing an independent institution to appoint and monitor guardians, including the possibility of professional guardianship.
7. Consider legislative amendments to introduce a definition of a separated child and regulate the representation of such children.
8. Ensure unaccompanied children who have not applied for international protection or whose applications have been finally refused have effective access to legal assistance and representation from lawyers from NBLA.
9. Provide initial and continuous capacity-building for NBLA lawyers and guardians, and allocate the necessary resources, including for child protection actors that could provide professional guardians.
10. Ensure legal representatives and guardians have effective access to interpretation to facilitate communication with children.

UNHCR BULGARIA REPORT AND RECOMMENDATIONS

JANUARY 2025

Expert Meeting on Alternative Care and
Guardianship for Unaccompanied and
Separated Children (UASC) in Bulgaria



UNHCR in Bulgaria
bulso@unhcr.org
Positano Sq. 2
1000 Sofia

www.unhcr.bg