

Bulgaria FACTSHEET

1,742

Asylum applications for the period Jan-Sept 2019

64 093

 Asylum applications for the period 2013 - 2018 ¹

Overview

UNHCR started its work in Bulgaria in 1993, after the signing of the Accord de Siege with the Bulgarian authorities. UNHCR supports the Bulgarian Government and civil organizations working in the field of protection of refugees and asylum-seekers, advocates for further development of the national protection system within the framework of the Common European Asylum System and in line with international standards. As part of its activities UNHCR conducts monitoring of border areas, detention and reception conditions in government operated facilities, provides sustainable capacity-building and organizes awareness raising activities, provides in multiple languages information on the rights and obligations of asylum-seekers and refugees, supports legal and social aid programs and is involved in legislative processes related to the asylum and integration policy of Bulgaria.

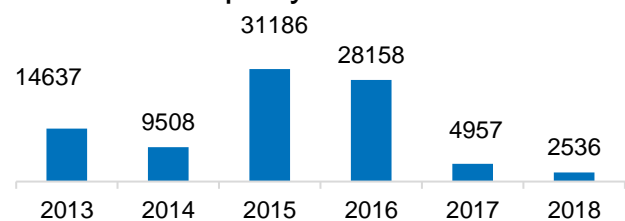
The Law on Asylum and Refugees (LAR) regulates the reception of asylum-seekers, the assessment of their claims and their rights upon recognition. The Law on Foreigners (LoF) is applicable to persons who have not submitted a claim for international protection or whose claims have been finally refused.

The State Agency for Refugees (SAR) is responsible for registering and examining applications for protection. There are 6 reception facilities in the country, managed by SAR, 1 of which is currently not used. The SAR is also managing one closed type facility where asylum-seekers are detained. The Directorate of Migration (DM) within the Ministry of Interior administers 2 immigration detention facilities (SCTAFs – Special Centers for Temporary Accommodation of Foreigners).

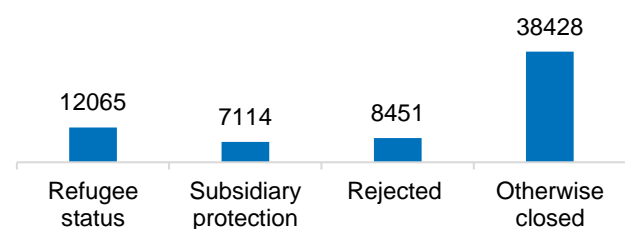
Access to territory and procedure

Bulgaria is considered by most asylum-seekers as a transit country. Poor reception conditions and the lack of an integration program appear to be the main reasons for this situation. Since the end of 2013 the Bulgarian government has taken measures to prevent irregular movement. These include the construction of a fence along the Bulgarian-Turkish land border, an increase of staffing of Border Police and the amendment of the Penal Code introducing harsher punishment for persons convicted of smuggling. In mid-2016 and after Turkey introduced a state of

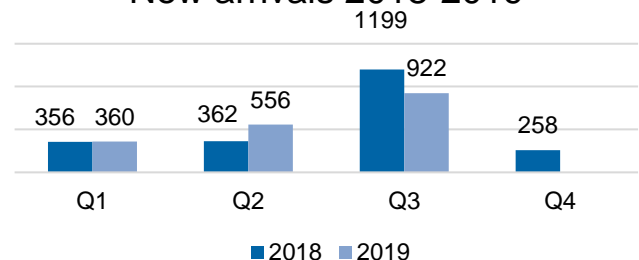
Arrivals per year 2013-2018



Decisions since 2013



New arrivals 2018-2019



emergency, security measures on both sides of the border were further increased. The majority of asylum applicants enter the country in an irregular manner. Irregular entry for the purpose of seeking asylum is penalized by the law.

In 2010, UNHCR signed a tripartite Memorandum of Understanding with the Chief Directorate of the Border Police and the Bulgarian Helsinki Committee. The MoU regulates UNHCR and BHC's activities which include regular border monitoring, the provision of legal assistance, interviewing asylum-seekers who have irregularly entered the country and following up on information about protection incidents.

UNHCR has received complaints from asylum-seekers about their access to the territory being blocked, even in cases when they were in possession of valid travel documents. Although the legislation provides that all persons who apply for protection with the Border Police should immediately be transferred to the SAR, most asylum-seekers are nevertheless first placed in immigration detention. Other border incidents that are reported to have occurred at the Bulgarian-Turkish border include prevented entries, push-backs, violence and confiscation of belongings. The vast majority of persons affected by such incidents are not willing to launch an official complaint.

The introduction of measures aimed at strengthening the protection of the Bulgarian-Turkish border has resulted in the increase of the number of asylum-seekers entering through Greece. UNHCR encourages the government to ensure the establishment of a protection-sensitive entry system; provide for a monitoring mechanism and enhance existing mechanisms dealing with complaints of violent incidents and ensure persons applying for international protection with the Border Police have direct access to the procedure, without detention.

Detention

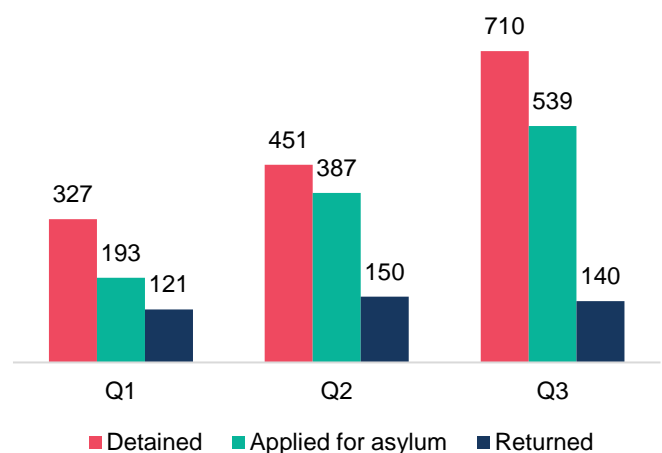
Persons apprehended by the Border or National Police following irregular entry or stay are detained in immigration detention facilities managed by the DM. The law envisages short-term detention for up to 30 days for the purpose of initial identification as well as detention pending removal for an initial period of 6 months, extendable up to 18 months. While unaccompanied children are exempted from immigration detention, accompanied children can be detained both short-term (for up to 30 days) and pending removal (for 3 months).

Persons placed in immigration detention may apply for international protection upon which they should be registered with the SAR within 6 working days.

Although applicants should be quickly transferred to the SAR, delays have been observed, in particular when bigger groups arrive at the same time. In some instances the authorities conduct the entire asylum procedure in immigration detention, in contravention of EU and national law.

Bulgaria has made significant progress in addressing detention related protection concerns, including by adopting additional alternatives to detention in law. UNHCR still has concerns about the lack of alternatives to detention in practice, and the absence of qualified interpreters in the immigration detention facilities which hinders the provision of information, including about access to the asylum procedure and medical care. Despite

Key stats for 2019



the legislation providing for free legal aid to persons in immigration detention, in practice it is only provided by BHC, funded by UNHCR.

In 2017, UNHCR and the DM signed a MoU, formalizing their cooperation and providing for regular monitoring of detention facilities, establishment of a working group to discuss and address identified gaps and provide capacity-building.

In 2016 the government introduced closed type centres for asylum-seekers, managed by the SAR and in 2017 restricted zones of movement to asylum seekers were formally designated by the government, with a second violation of leaving the assigned zone leading directly to a placement in a closed centre.

UNHCR encourages the government to ensure all children are not detained for immigration purposes; alternatives to detention are implemented in practice; sustainable quality interpretation is provided at immigration detention centres; applicants for international protection are immediately transferred to SAR; and the asylum procedure is not conducted in immigration detention.

Reception conditions

Since the emergency at the end of 2013, the SAR has worked to gradually improve reception conditions in its facilities, by expanding their capacity, increasing the number of staff and ensuring presence of medical staff during working hours. The total reception capacity is 5,190. None of the reception facilities were purpose built for accommodation and their infrastructure remains inadequate, especially when the occupancy rate is near 70-80%.

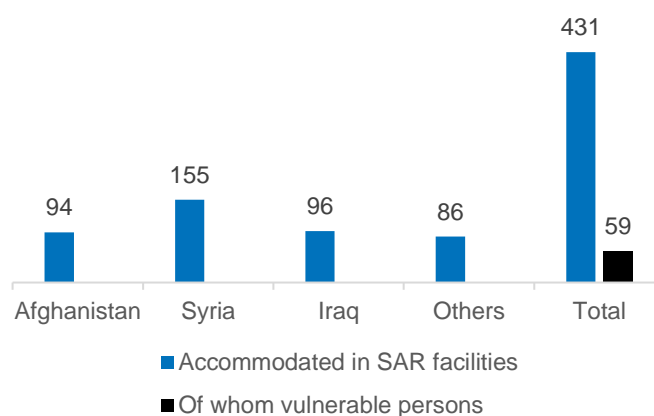
Maintaining the reception facilities has proven to be challenging due to the lack of effective community mobilization strategy. This is partly due to a high turnover of asylum seekers, who regularly abscond

In 2015 the government stopped providing the monthly allowance of 65 BGN per person per month explaining there was no need for financial support as all asylum-seekers received three meals per day. In October 2018, the SAR resumed the provision of a monthly allowance with EU funds but at a much lower rate of 20 BGN (10 euro) per person per month.

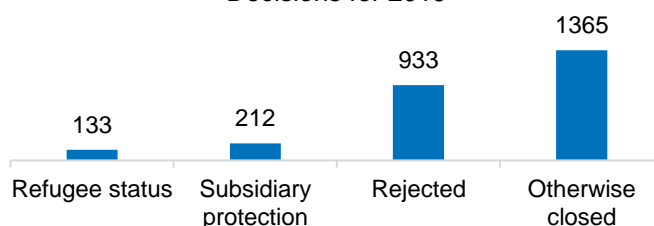
Asylum procedure

The State Agency for Refugees (SAR) within the Council of Ministers is responsible for determining applications for refugee status and subsidiary protection (humanitarian status). If an application is lodged before any other state authority the latter is obliged to forward the application immediately to the SAR. In practice, most initial applications are lodged before the Border Police or the Migration Directorate. The decisions of SAR may be appealed before the Administrative Court.

Accommodated in SAR centres as of 26 Sept. 2019



Decisions for 2019



The President of the Republic of Bulgaria has the discretionary authority to grant asylum. In the course of the asylum procedure, the SAR establishes the facts and circumstances and assists the President's administration on an asylum request to the President.

Since its establishment in 1993 the SAR has received 85,953 asylum applications. Since then the rate of absconding the asylum procedure has been high. Overall, 53% (45,455) of all applicants have absconded.

UNHCR is engaged in joint audits of the quality of the asylum procedure and capacity-building of the responsible authorities. The establishment of a separate directorate for quality control within the SAR and provision of up-to-date country of origin information has contributed to improved quality of the procedure. However, gaps remain. Discrepancies in the recognition rates of certain nationalities as compared to the EU average, in particular Afghans and Iraqis, are of significant concern.

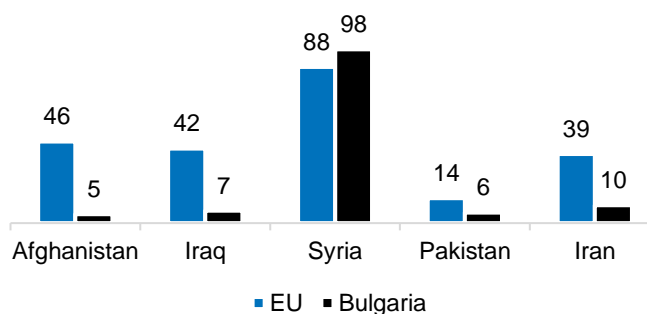
UNHCR encourages the government to ensure case workers receive regular training on interviewing and assessment of claims for international protection, including those of women, children and LGBTI applicants and are provided with the appropriate tools and guidance, enabling them to consistently take into consideration international standards and relevant European and national case law.

Child protection

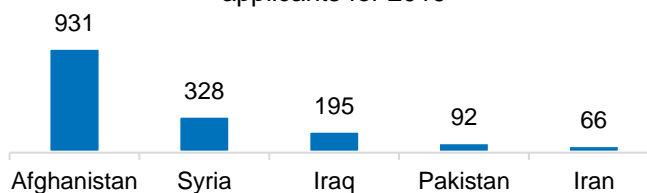
In recent years Bulgaria has made some progress towards improving the protection of children, particularly in relation to access to education, the provision of child-friendly information and capacity-building. The participation of refugee children has been strengthened through the inclusion of two such children as members of the Child Council, a Consultative body with the State Agency for Child Protection composed of children.

There are deficiencies in the identification of unaccompanied children (as unaccompanied or as child) upon first contact by the Border or National Police. Among others, this exposes unaccompanied children to the serious risk of being detained for immigration purposes. Unaccompanied children do not have effective and full access to safe, age- and gender appropriate care arrangements within the national child protection system, despite the legislation providing for them. Due to lack of administrative, residential and financial capacity of the national social services, including lack of specialized centres for children, language training and lack of experience with unaccompanied children, they are accommodated at SAR centres without specialized care. Since June 2019, IOM is operating a safe zone for unaccompanied children within one of the reception centres where 24/7 care is available but its sustainability is not ensured beyond the end of the project. Age is not

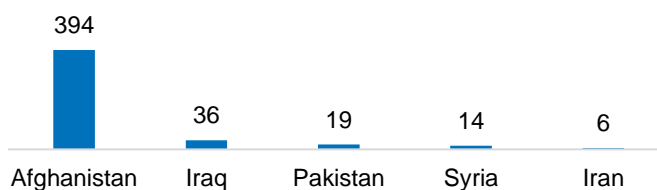
Total protection rates EU/Bulgaria % for 2018



Top 5 countries of origin of intl. protection applicants for 2019



Applications for international protection by UASCs for 2019



being established in a multi-disciplinary nor in child- or gender-sensitive manner, taking into consideration the physical and psychological development of the child, but is limited to a medical assessment (x-ray). The Government has recently initiated an age assessment procedure. No single body is responsible for the overall coordination of policies to protect unaccompanied children. The Government blocked the draft of the new Strategy on Child Protection in May 2019 due to highly politicizing the issue. There is no best interest procedure in place to ensure that the child's best interests are a primary consideration in all actions concerning her/him from the moment of identification until a solution is found. UNHCR encourages the government to ensure unaccompanied children have access to safe and age-appropriate reception and care arrangements within the national child protection system and to best interest procedures and improve the coordination among relevant institutions responsible for the protection of children.

Integration

There is no state-sponsored refugee integration programme. In July 2017, the Bulgarian Government adopted an Ordinance on the terms and conditions for the integration of foreigners granted asylum or international protection. The Ordinance does not foresee the provision of targeted integration support, such as housing and Bulgarian language classes. It does not foresee national budget for refugee integration activities and lacks clarity as to which government entity is responsible for integration of refugees. The Ordinance puts the onus on municipalities to offer refugees the possibility to settle there, which due to the negative political atmosphere is not forthcoming.

While implementation of the Ordinance is not effective, Bulgaria has seen positive developments in the past 3 years facilitating increased enrolment of asylum-seeking and refugee children in the Bulgarian education system, as a result of legislative amendments. Due to the high labour shortage, the private sector has shown a great interest in employing asylum-seekers and refugees, at times offering housing opportunities and Bulgarian language classes, thus filling some of the gaps of the existing national refugee integration policies.

UNHCR encourages the Government to facilitate integration by providing administrative and financial resources, and ensuring that beneficiaries of international protection, including persons with specific needs, have full and effective access to their rights.

Statelessness

Following advocacy efforts by UNHCR, Bulgaria started implementing a statelessness status determination procedure in July 2017, conducted by DM within the MoI.

Since the establishment of the procedure, 120 persons have been granted statelessness status. The legislation includes some significant procedural safeguards, including a mandatory interview and legal assistance on appeal. Recent legislative changes addressed the gaps related to the possibility of refusing statelessness status of persons who have entered or are staying in the country irregularly and not issuing a residence permit upon recognition.

- The reservations to the following provisions made by Bulgaria upon its accession to the 1954 Convention Relating to the Status of Stateless Persons also impede the full and effective access to rights of all stateless persons on its territory: Article 7. Exemption from reciprocity; Article 21. Housing; Article 23. Public relief; Article 24. Labour legislation and social security; Article 27. Identity papers; Article 28. Travel documents and Article 31. - Expulsion. As a result of UNHCR advocacy, Bulgaria pledged to withdraw the reservation to Art. 31 during the High-Level Segment of Statelessness in October 2019. It also pledged to conduct a regular review of the relevance of the remaining reservations; to include stateless persons among the persons that will be subject to the

national census in 2021 and take action to improve the quality of the statelessness determination procedure.

UNHCR is entitled by law to be present at all interviews and regularly engages with the authorities to assist with improving access to and the quality of the Statelessness Determination Procedure.

UNHCR encourages the government to ensure all stateless persons on its territory are identified and have full and effective access to the rights to which they are entitled under international law.