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**UNITED NATIONS**  
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FOR REFUGEES  
*Regional Office  
for the Benelux  
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## **Background Note on the Protection of Asylum Seekers and Refugees in Bulgaria**

UNHCR welcomes the progress made by the Bulgarian Government in establishing a functioning asylum system, in particular its efforts during 2004 and 2005 in implementing the Law on Asylum and Refugees (LAR), adopted in May 2002 and in force since December 2002.

### **Refugee legislation and practice**

UNHCR also welcomes the 2005 amendments to the 2002 LAR of 8 April 2005 aimed at further alignment of the domestic asylum legislation with international standards and the evolving EU *acquis*. The Parliament adopted the Amendments on 8 April 2005<sup>1</sup>. The UNHCR Representation in Bulgaria as well as the Bulgarian Helsinki Committee (a UNHCR implementing partner which provides free legal advice to refugees) submitted comments on the proposed Amendments<sup>2</sup>, which were by and large taken into consideration. UNHCR has acknowledged that compared to the 1999 Refugee Law, the 2002 Law on Asylum and Refugees and its Amendments of 2005 represent significant progress in aligning Bulgarian law with international and European standards. However, UNHCR maintains its concerns especially regarding the Articles 13, 15 and 16, as explained below:

- (a) Article 13, as amended, still in part wrongly equates grounds for rejection of asylum applications as manifestly unfounded with circumstances in which refugee status might be canceled or withdrawn;
- (b) Article 15, items 6 to 8 are not in line with the cessation clause of the 1951 Geneva Convention, by allowing for cessation of refugee status on the grounds of a mere wish to move to a third country or return (not re-establishment) to the country where persecution was feared;
- (c) In Article 16, several of the numerous grounds for rejection of an asylum application, discontinuation of the procedure or withdrawal of status are at odds with international refugee law as well as European standards, and the provision does not adequately distinguish between rejection, discontinuation of a procedure or withdrawal of status.

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<sup>1</sup> [http://www.unhcr.bg/bglaw/amendments\\_lar\\_en.pdf](http://www.unhcr.bg/bglaw/amendments_lar_en.pdf)

<sup>2</sup> Available at: [http://www.unhcr.bg/bglaw/unhcr\\_comments\\_2005en.pdf](http://www.unhcr.bg/bglaw/unhcr_comments_2005en.pdf)

UNHCR has monitored access to the territory and has noted with some concern that during 2005, the number of asylum applications decreased by 27% in comparison to 2004. In the framework of closing Chapter 24 of Justice and Home Affairs (JHA) within the EU enlargement process, Bulgaria implemented ever stricter border control measures. This may have contributed to the decreasing number of asylum applications, as well as to the increasing number of persons denied entry into the country<sup>3</sup>.

Ensuring effective protection for asylum-seekers and supporting the government's efforts to promote the integration of recognized refugees continue to be major challenges. These challenges have to be seen in the context of the process of EU accession, strengthening of border controls with the prospect of Bulgaria having an external EU border, and combating human smuggling and trafficking.<sup>4</sup> While acknowledging improvements achieved in terms of processing asylum applications within the deadlines for the accelerated and the normal procedures set by the Law on Asylum and Refugees (LAR), the UNHCR Representation in Bulgaria has focused its activities on access to territory and a full implementation of the LAR. In 2005, UNHCR maintain its concerns regarding the non-operability of the State Agency for Refugees (SAR) throughout the territory of Bulgaria, coupled with indications that persons potentially in need of protection in Bulgaria may not have been admitted to the territory.

UNHCR through its implementing partners, Bulgarian Helsinki Committee and Bulgarian Red Cross, further strengthened efforts in border monitoring through the agreement reached with the National Service Border Police and expanding the network of lawyers throughout the country to monitor the main border-crossing points. As a result, a number of people detained for illegal crossing were admitted into the territory and to the refugee status determination procedure.

According to the findings of the border monitoring activities in 2005, approximately 90% of refugees and asylum seekers reached Bulgaria by illegally crossing the green border (predominantly the Bulgarian / Turkish border and lately the Bulgarian / Greek border). When an alien expresses his / her wish to request protection, the border authorities are supposed to arrange for his transportation to Sofia where he has to present himself to the refugee authorities. Thus, according to the Bulgarian Helsinki Committee 2005 report, 63 applicants for protection were directed by the border police to the SAR, upon specific intervention. However, the delays or at times, the reluctance to forward applications for processing may lead to breach of the rights of asylum seeker and even potential refoulement.

### **Anti-smuggling and anti-trafficking activities**

The UNHCR Representation in Bulgaria continues to contribute to activities to combat human smuggling and trafficking in persons<sup>5</sup> with a view to upholding refugee protection principles. It cooperated in efforts to ensure that anti-trafficking policies and strategies are accompanied by specific protection and assistance measures for victims and witnesses of trafficking. The Law on Combating Trafficking in Human Beings was adopted on 7 May 2003. Thanks to UNHCR's contributions to the Ministry of Justice and the appointed working

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<sup>3</sup> In 2004 and 2005, the number of applications for protection decreased 60% in comparison to the 2002 period. As per the Report of the MOI National Service Border Police of 23 Feb. 2005, the number of third country nationals denied entry into Bulgaria was 7,509, as compared to 6,907 in 2003. According to the report, none of those persons sought protection.

<sup>4</sup> MOI Project: Further strengthening of border control and management of future EU external borders, see at: [http://www.eu.mvrbr/projects/prj\\_home\\_affiars06\\_eng.html](http://www.eu.mvrbr/projects/prj_home_affiars06_eng.html).

<sup>5</sup> UNHCR Sofia builds on the **cooperation** with the Police Academy and the US Department of Justice: see records of the international seminar in order to address the problems related to human smuggling and trafficking in persons [http://www.unhcr.bg/events\\_records/2002/vipond\\_29\\_30/police\\_%20academy\\_en.pdf](http://www.unhcr.bg/events_records/2002/vipond_29_30/police_%20academy_en.pdf).

group, the final text of the 'Rules of Procedures' includes the essence of the saving clauses of the Palermo Protocol<sup>6</sup>.

### **Statistics**

From 1 January 1993 until 31 December 2005, a total of 14 752 persons applied for protection in the Republic of Bulgaria. A total of 1 400 persons were recognized as refugees (339 children) and 3 414 were given humanitarian status (752 children). Asylum seekers came from 39 different countries. The majority were from Afghanistan, Armenia, Iraq, Iran and Nigeria. Most reside in the capital or in other urban areas such as Plovdiv, Varna and Burgas, as the job opportunities there are significantly higher than in rural areas.

During the year 2005, 822 new applications for asylum were received, 8 persons were recognized as refugees and 78 were granted humanitarian status. The refugee status procedure was suspended in 478 cases, mostly due to abandonment of the procedure and territory. Statistical reports indicate that the trend of the increasing rate of granting humanitarian status and decreasing refugee status recognition continued in 2005.<sup>7</sup> In 2005, 21 refugees obtained Bulgarian citizenship, totaling to 70 the number of refugees having been granted Bulgarian citizenship since 1993.

### **Construction of Refugee Transit Centers under the EU Phare Project**

The majority of asylum seekers enter Bulgaria across the borders with Turkey and Greece. The LAR foresees (article 47 paragraphs 1 and 2) that the SAR shall establish 'territorial units' (i.e. branch offices) throughout the country and that 'transit centers' will be created for the registration, accommodation, medical examination and implementation of the accelerated procedure<sup>8</sup>. The construction of two refugee transit centers under the EU-funded (PHARE) project has not yet started, for the time being the bidding process for the construction of the center at the Turkish border has not been completed. According to the plans, the project should be completed by the end of 2006. Currently, there are two registration / reception centers for asylum seekers in Bulgaria; one within the premises of the SAR in Sofia which can accommodate some 400 asylum seekers, and the second in the village of Banya near Nova Zagora, with a capacity of some 80 beds. In addition two centers for temporary accommodation of asylum seekers, run by the National Service Border Police (NSBP), are located at the Turkish/Bulgarian border checkpoints Kapitan Andreevo and Liubimetz.

### **Integration**

UNHCR welcomes the Refugee Integration Program<sup>9</sup> adopted by The Council of Ministers on 26 May 2005 in fulfilment of the Prime Minister's Order of 21 January 2005, which should start being implemented as of early 2006. This National Program for the Integration of Refugees in the Republic of Bulgaria has been drafted on the basis of an in-depth analysis of the legal framework and practice, and contains main principles and aims with regard to refugee integration<sup>10</sup>. The purposes are to systematize integration support for up to one year upon recognition; mainstream integration as a process and streamline State and UNHCR-funded integration activities for recognized refugees. The Program provides a medium-term

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<sup>6</sup> [http://www.unodc.org/unodc/trafficking\\_human\\_beings.html](http://www.unodc.org/unodc/trafficking_human_beings.html)

<sup>7</sup> The trend shows that in 2001, 385 persons were recognized as refugees, while 1,185 were granted humanitarian protection. In 2002: 75 persons were recognized as refugees, while 645 persons were granted humanitarian status. In 2003: 19 recognized as refugees and 411 granted humanitarian status. In 2004: 17 refugee status and 257 humanitarian status.

<sup>8</sup> See more information in Chapter 2, Art. 2, 3 LAR.

<sup>9</sup> [http://www.unhcr.bg/pubs/2004\\_05/2004-2005.htm](http://www.unhcr.bg/pubs/2004_05/2004-2005.htm)

<sup>10</sup> <http://www.unhcr.bg/pib/index.htm>

plan of the actions to be undertaken by state institutions<sup>11</sup>, non-governmental organizations and local authorities aimed at ensuring economic, social, political and cultural prerequisites for the integration of refugees in Bulgarian society, in line with the 1951 UN Convention relating to the Status of Refugees, the 1967 New York Protocol and other international and European legal instruments in the area of human rights, the Constitution of the Republic of Bulgaria, and national legislation. The Program includes also strategic guidelines for the period 2005-2007, after which, depending on the results, activities will continue to be supplemented or adjusted.

Activities to support integration, including vocational training and language classes, take place in an Integration Centre at the State Agency for Refugees (established in 1997 with the support of UNHCR). Integration measures may also be offered to asylum seekers, subject to availability of space. Recognised refugees may have access to scholarships for higher education under the Bulgarian system or the UNHCR scholarship program (DAFI programme, managed by UNHCR and the Bulgarian Red Cross, with funding from Germany).

### **Main considerations**

UNHCR would support further efforts to strengthen cooperation between the SAR, as the competent refugee authority, and the Ministry of Interior, in terms of facilitating access to the territory and to asylum procedures. Improving the quality of asylum at all stages of the procedure remains the main focus of UNHCR's activities in Bulgaria.

UNHCR  
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<sup>11</sup> According to the letter No. 92 of 26.05.05 by Deputy Minister of Finance, 300 000 BGN, approx. 150 000 Euros have been envisaged for the integration of newly recognized refugees in 2006.