

BULGARIA

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years

Table 1:

Source: State Agency for Refugees with the Council of Ministers (SAR)

Month	2002	2003	Variation +/- (%)
January	350	167	-52.3
February	324	137	-57.7
March	417	122	-70.7
April	474	69	-85.4
May	373	94	-74.8
June	117	93	-20.5
July	137	139	+1.5
August	109	57	-47.8
September	166	85	-48.8
October	199	149	-25.1
November	160	109	-31.9
December	62	328	+429.0
TOTAL	2,888	1,549	-46.4

Stricter border controls were introduced in line with the measures to be implemented under the EU Accession Agreement.

2. Breakdown according to the country of origin/nationality, with percentage variation

Table 2:

Source: SAR

Country	2002	2003	Variation +/- (%)
Afghanistan	864	525	- 39.2
India	1	211	-
Armenia	364	196	- 46.2
Iraq	946	97	- 89.7
Morocco	-	94	-
Somalia	30	57	+ 90.0
Palestine	23	55	+ 139.1
Turkey	47	44	- 6.4
<i>Others</i>	<i>613</i>	<i>384</i>	<i>- 37.4</i>
TOTAL	2,888	1,549	- 46.4

3. Persons arriving under family reunification procedure

No figures available.

4. Refugees arriving as part of a resettlement programme

Bulgaria does not operate any resettlement programmes.

5. Unaccompanied minors

149 (2002: 108)

RECOGNITION RATES

6. The statuses accorded at first instance and appeal stages as an absolute number and as a percentage of total decisions

Table 3:

Source: SAR/ Bulgarian Helsinki Committee (BHC)

Status	2002				2003			
	First instance Number	%	Appeal Number	%	First instance Number	%	Appeal Number	%
No status awarded	2,607	75.2	173	84.8	1,584	78.4	546	91.4
Convention status	75	2.2	5	2.5	19	0.9	12	2.1
Other statuses	784	22.6	26	12.7	418	20.7	39	6.5
TOTAL	3,466	100	204	100	2,021	100	597	100

7. Refugee recognition rates (1951 Geneva Convention) according to country of origin, at first instance and appeal stages

Table 4:

Source: SAR/ Bulgarian Helsinki Committee (BHC)

Country of origin	2003			
	First instance Number	%	Appeal Number	%
Iraq	7	0.3	1	0.0
Afghanistan	5	0.2	3	0.1
Turkey	3	0.1	3	0.1
Others	4	0.2	6	0.2
TOTAL statuses awarded	19	0.7	12	0.5
(Total decisions)	(2,021)		(597)	

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. Persons returned on ‘safe third country’ grounds

No figures available.

9. Persons returned on ‘safe country of origin’ grounds

No figures available.

10. Number of applications determined inadmissible

666 (2002: 33)

The reason for such a significant rise in figures is the introduction in 2003 of the accelerated procedure provided for in the new Asylum Law (December 2002). The accelerated procedure applied before the adoption of the new law was used only occasionally. The new accelerated procedure was designed as an admissibility procedure and is applied to new asylum applications submitted after the Asylum Law entered into force at the end of 2002.

11. Number of asylum seekers denied entry to the territory

No figures available.

12. Number of asylum seekers detained, the maximum length of and grounds for detention

During 2003, there were 112 registered cases of detention of asylum seekers. Detention orders were usually issued on the basis of an irregular stay in the country or lack of valid identity documents. The maximum length of detention for asylum seekers is usually up to six weeks.

The asylum authorities attempted to establish the practice of conducting an accelerated procedure in detention cases, but this attempt was considered against the law by the administrative courts.

At present, Bulgaria does not have a structured removal procedure. As a result, expulsions are rarely implemented. In 2003, however, some forcible removals took place on an occasional rather than regular basis, in relation to cases involving security issues. Security was the reason for many rejected asylum seekers to be held in detention for a period close to or even longer than 12 months.

13. Deportations of rejected asylum seekers

So far, the Bulgarian government has not undertaken any deportations of rejected asylum seekers. If this happens, it is normally on an individual basis and mainly for security reasons.

14. Details of assisted return programmes, and numbers of those returned

Bulgaria does not operate any return programmes.

15. Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin Convention.

Bulgaria is not party to the Dublin Convention.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern

Unaccompanied children

As a special category of vulnerable beneficiaries undergoing the general refugee determination procedure, unaccompanied asylum seeking children were subject to compulsory representation before the asylum administration and the administrative courts. An agreement was reached on the issue between the Bulgarian government and refugee assisting NGOs and sponsored by UNHCR. A system of guardianship was introduced and the reception centre in Banya village was designated to operate solely for asylum seeking children.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed

No new legislation in relation to asylum was passed in 2003.

18. Changes in refugee determination procedure, appeal or deportation procedures

Accelerated procedures carried out on Bulgarian territory (not just at the border) started at the existing reception in Sofia immediately after the entry into force of the Asylum Law in December 2002.

In general, the administration ensured access of asylum seekers to the asylum procedure without significant obstacles. The main problem remained the delay in the provision of identification documents by the asylum authorities. The law shifted the responsibility from the police to the asylum administration, which has not yet put in place an efficient system to deal with this issue.

Particular concern was expressed in relation to the quality of interpretation provided. The asylum administration normally uses foreigners, sometime even refugees, without assessing their level of

knowledge of the language and without checking the origin, ethnicity, political affiliation or religion of both the applicant and the interpreter.

19. Important case-law relating to the qualification for refugee status and other forms of protection

Relevant case-law concerned:

- The acknowledgement of religious and other traditional forms of marriage as a basis for family reunification (*Caluskin*, No.262/2003, Sofia City Court, Department 3-j, decision No.95, 24 March 2003).
- The inapplicability of accelerated procedures to unaccompanied minors (*Eneh* case No.198/2003, Sofia City Court, Department 3-b, 24 April 2003).
- The consideration of self-dependent women in Afghanistan as a social group (*Said Akbar* case No.3870/2003, Sofia City Court, Department 3-e, 3 December 2003).
- The adoption of a general approach towards Palestinians that have lost their UNRWA protection as refugees *ipso facto* (*Shushea* case No.1616/2003, Supreme Administrative Court, first instance, No.12066, 19 December 2003).
- The list of safe counties of origin adopted by the Government should not be considered as binding on the asylum administration when considering whether a country is in fact safe. (*Duman* case No.671/2003, Supreme Administrative Court, first instance, No.12121, 22 December 2003).

20. Developments in the use of the exclusion clauses of the 1951 Geneva Convention in the context of the national security debate

No information provided.

21. Developments regarding readmission and cooperation agreements

There were no developments regarding readmission and cooperation agreements in 2003.

THE SOCIAL DIMENSION

22. Changes in the reception system

In 2003, despite the war in Iraq, there was a decrease in the number of applications received. However, a total of 226 Iraqi nationals received humanitarian status.

The majority of refugees and asylum-seekers continued to be accommodated in Sofia. One integration for refugees and two open reception/registrations for asylum seekers are currently in use (one in Sofia and one in Banya, near to the Turkish border). The capacity of the two reception/registrations is approximately 600 in total. Remaining asylum seekers are accommodated in private houses in Sofia and in some of the other major cities across the country.

In 2003, the Bulgarian Red Cross (BRC) provided hot food and medicines to foreigners, who had declared their intention to seek asylum in the country, prior to entering into the determination procedure, during their detention in the transit of the Border Police at Lubimetz, the Bulgarian-Turkish border.

The idea of creating a sustainable infrastructure (i.e. of two new transit s near the border crossing checkpoints with the highest workload - Sofia Airport and Kapitan Andreevo at the Bulgarian-Turkish border) to implement an accelerated procedure for manifestly unfounded applications was not implemented in 2003. This was partly due to the strong opposition of the local population, particularly near Sofia Airport.

23. Changes in the social welfare policy relevant to refugees

Throughout 2003, asylum seekers received by the State Agency for Refugees the same benefits that Bulgarian citizens on low incomes are entitled to. Asylum seekers were also entitled to social counselling, free basic medical care, primary and secondary education, Bulgarian language tuition and vocational training (provided mainly to those accommodated in reception s) provided by the State or in some cases, in

cooperation with Caritas Bulgaria. The BRC continued to offer psychological counselling to asylum seekers living in the Banja reception, free medicines for psychiatric cases and assistance in kind. Psychological help at the reception in Sofia is provided by the State Agency for Refugees.

Recognised refugees were included in the BRC Regulations for the distribution of humanitarian aid to persons on low incomes. This included baby food, hygiene materials, wheel chairs and other facilities for people with a disability and medicines.

24. Changes in policy relating to refugee integration

In 2003, the BRC had to fill in the gap in provision of integration services by the State, which does not currently have a comprehensive integration policy, by offering integration activities designed to stimulate and facilitate refugees' involvement through an assessment of their needs. It provided: counselling in Farsi, Arabic, Bulgarian, French and English; facilitation and support for registering at the National Employment Agency, Social Welfare Centres, health and mental health services; material and organisational support to children in primary and secondary education; preschool day care and scholarships to a number of refugees studying in Bulgarian universities. BRC implements the main integration project for refugees in the country, funded by UNHCR.

In order to offer humanitarian-status holders equal integration opportunities, they are granted the same social rights as Convention refugees. In 2003, the BRC launched a new integration programme, which provides financial support to humanitarian-status holders for a period of three months. The support includes pre-integration assistance for the first month after recognition. This includes finding accommodation and paying for the issuing of their identity documents. Assistance provided during the second and third months is the same as that which is provided to Convention refugees.

Benefits to Convention refugees are currently provided for a period of ten months after recognition, if they meet the requirements set out in the Regulations Concerning Assistance to Low Income Bulgarians and have resided in Bulgaria for less than three years. Refugees attending language and vocational courses are entitled to an increase of 50% for the period of study, to allow them to better cover their basic needs.

According to the new Law on Asylum and Refugees, which entered into force in 2003, free accommodation is available to vulnerable refugees for a maximum of six months after recognition. The State Agency for Refugees is currently in the process of setting some criteria to identify who should be entitled to this assistance. Experience shows that unaccompanied minors, people with a disability, large families, elderly people and single parents are at present often allowed to stay in reception centres for up to six months after their recognition. Vulnerable refugees are normally accommodated in the reception centres in Sofia.

25. Changes in family reunion policy

The Law on Refugees (Article 34) allows family reunification only if the sponsor is granted Convention status. Family reunification is therefore not allowed in the case of individuals granted humanitarian protection status. Two families were reunited in Bulgaria, and 17 refugees obtained Bulgarian citizenship in 2003.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy

UNHCR is responsible for the implementation of the resettlement programme. BRC is not aware of any cases of resettlement in 2003.

27. Developments in return policy

BRC is aware of two Afghan families (seven persons in total) who were assisted to voluntarily repatriate to Afghanistan. Assisted returns are currently funded by UNHCR and logistically supported by the Bulgarian Helsinki Committee, the IOM and, in some cases, by the BRC.

The BRC is not aware of individuals that have sought assistance to return to Iraq.

28. Developments in border control measures

NGO's access to the detention programmes at the border was suspended in 2003, seriously compromising their monitoring activities. The immigration police also started to carry out expulsions on a regular basis. This should be seen as a result of the effort by the Bulgarian government to comply with the EU Accession Agreement and especially with the JHA Chapter 24 conditions concerning border controls, judicial reforms and combating corruption.

29. Other developments in refugee policy

The project of creating transit s for the purpose of guaranteeing access to the country to apply for asylum has been considerably postponed.

The Academic Refugee Studies Initiative in Bulgaria (ARSIB), launched in 2002 in cooperation with the UNHCR BO Sofia, continued to provide, together with the SAR and the BRC, training for social workers involved in the organisation of activities and provision of services to refugees. In the course of 2003, the ARSIB was operating in 15 universities across the country as well as in other national institutions, including the Police and Military Academy.

In October 2003, a second programme was launched focusing on refugees' medical, social and psychological problems, designed and taught by the medical advisor to the Refugee and Migrant Service of the Bulgarian Red Cross. The BRC delivered presentations at the New Bulgarian University, Faculty of Anthropology and at the universities of Russe and Shumen. Some 180 students in total benefited from the programme.

In December 2003, the Award for the Promotion of Gender Equality and the Empowerment for Refugee Women was presented to the newly formed (end of 2002) Council of Refugee Women in Bulgaria by UN High Commissioner for Refugees Ruud Lubbers in recognition of its achievements in providing quality counselling and support to fellow asylum seekers and refugees.

The UNHCR BO Sofia together with refugee assisting organisations took part in the Working Group of the Ministry of Justice set up for the drafting of the legislation on combating human trafficking and successfully obtained modifications to the provisions of the final text in relation to asylum and refugee issues.

POLITICAL CONTEXT

30. Government in power during 2003

Following the elections held in 2002, the ruling party is now the National Movement Simeon II (NMSS) led by Simeon Saxe-Coburg-Gottah former monarch of Bulgaria. His policy is described as -right oriented. The mandate expires in June 2005.

31. Governmental policy vis-à-vis EU developments

The EU accession process has clearly affected political, economic and social development in Bulgaria over the last couple of years. Chapter 24 of the Justice and Home Affairs section of the Accession Agreement was used as the basis for justifying new legislation and applying more restrictive measures in the area of asylum and immigration.

32. Asylum in the national political agenda

In 2003, asylum was not a priority for the Government. For instance, the accelerated procedure intended to be carried out at the border was not introduced and no transit facilities were created.