

Reporting on progress made on the Pilot Project for fast asylum and return procedures with Bulgaria

Six months after the implementation of the Pilot Project with Bulgaria, solid results have been achieved with best practices identified in the area of accelerated asylum procedures and effective returns, border management and reinforced cooperation with neighbouring countries. In particular:

*In the **area of asylum**, Bulgaria conducted trainings and adopted a circular to facilitate the **implementation of the accelerated asylum procedures** provided for in the Asylum Procedures Directive. The improvement of the accelerated procedure allowed for a swift processing of asylum claims. Bulgaria also drew up a list with designated **safe countries of origin and safe third countries** and increased the number of deployments by the EUAA.*

*Bulgaria is in the process of amending its legislation, to allow for the **issuing of a negative decision on international protection jointly with a return decision** for optimizing and streamlining the implementation of the asylum and return procedures. The Bulgarian authorities are also working on the **digitalisation of the asylum and return systems** with the support of the EU agencies and the Commission.*

*Bulgaria has **stepped up the cooperation with Frontex**, with the implementation of a roadmap providing Bulgaria with additional resources, including Standing Corps and technical equipment for border management that is a good practice that could be applied in other EU member states. Moreover, Bulgaria is implementing a **Frontex Mobile Operational Support Teams for combating cross-border crime**.*

*Bulgaria signed with Frontex a dedicated **Action Plan on Returns**, which has led to an increase in return counselling services. A new Assisted Voluntary Return and Reintegration scheme will be implemented as of early 2024, with increased financial incentives.*

*Bulgaria has strengthened its **cooperation with Europol to fight smuggling networks** and to limit secondary movements within the EU, including the establishment of an Operational Task Force.*

1. Introduction

The Pilot Project (hereafter 'Pilot') with Bulgaria was launched in March 2023 for a duration of 6 months, as a direct follow-up to the EU Action Plan on the Western Balkans from December 2022, President von der Leyen's letter of 26 January 2023 to European Council Leaders, and the European Council conclusions of 9 February 2023.

The Pilot was set up with a view to contribute to an improved and more sustainable migration management in the EU. It focused on the areas of asylum, returns, border management and international cooperation – building on and developing further good practices and experience in these areas. The envisaged measures were implemented with the support of relevant EU agencies¹ and with EU financial assistance.

This report represents an update on the progress made in the first six months of the pilot project on migration indicators and identified good practices.

2. Financial support to Bulgaria since March 2023

¹ Notably EUAA, Frontex and Europol.

To reinforce the management of the EU's external borders, the Commission made available new financial support amounting to EUR 45 million to Bulgaria². The funds were added to the allocations of Bulgaria's national programmes under the Border Management and Visa Policy Instrument (BMVI) for the period 2021-2027. In addition, approximately EUR 24.5 million were granted to Bulgaria under two calls for proposals for Specific Actions under the BMVI.

3. Coordination and Cooperation framework

Throughout the implementation of the Pilot, the Commission services, the EU Agencies (EUAA, Europol, Frontex), and the Bulgarian authorities exchanged information and coordinated actions through monthly Steering Committee meetings, complemented with technical meetings and visits on the ground.

The joint approach has resulted in better coordination on the ground and enhanced information sharing and cooperation among the stakeholders.

On 20 September 2023, as an outcome of a roundtable discussion held in Bulgaria with all relevant stakeholders, it was agreed to further strengthen the existing national independent mechanism to monitor fundamental rights compliance, which is based on a 2010 tri-partite Memorandum of Understanding signed among the Border Police, the UNHCR and the Bulgarian Helsinki Committee.

4. Results of the pilot project

Further enhancement of screening and border management capacities

Bulgaria plays a key role in protecting the EU external borders and has a strong border management system in place. Bulgaria continued the active dialogue with Turkish and Serbian authorities for better situational awareness and joint analysis on migrant smuggling, prevention of illegal border crossings and secondary movements. The Pilot enabled enhanced cooperation and the provision of additional targeted support to Bulgaria contributing to a higher level of border surveillance capabilities at the external border. At the request of the European Commission for **bilateral in-kind assistance** to Bulgaria, Member States responded by offering increased deployments of Standing corps officers and technical equipment through Frontex. Numerous bilateral visits and exchanges of best practices also took place.

As an example of good practice, a **dedicated Roadmap** was agreed between the Bulgarian Ministry of Interior and Frontex, whereby Frontex increased its presence by ensuring maximum hosting capacity for Frontex standing corps officers for border surveillance at the Bulgarian external land borders. Frontex support to Bulgaria includes the deployment of additional technical equipment at the border with Türkiye, including cooled thermal cameras and mobile surveillance system, and making available additional members of screening and debriefing teams, as well as interpreters. Bulgaria makes full use of the Agency's operational and technical capabilities.

Reinforced cooperation with Frontex also includes **capacity building and knowledge sharing activities**, such as information sessions related to identity documents, design and protections, latest trends in forged documents, ways to identify forged documents (so-called "Roadshows" on documents). A Frontex-organised workshop on debriefing and screening methods for Bulgarian officials employed in detention centres took place in Sofia in April 2023.

² This support comes on top of the initial allocations under the national programmes of Bulgaria of EUR193.5 million for the period 2021-2027.

The Frontex Roadmap also included measures to promote fundamental rights, with the support of the Frontex Fundamental Rights Office. Bulgaria organised additional trainings for border guards on fundamental rights, with the support of Frontex and the European Union Agency for Fundamental Rights.

The additional EUR 45 million granted by the European Commission to Bulgaria under BMVI is used for expanding the range of the integrated surveillance system, modernisation of the vehicle fleet, temporary appointment and secondment of additional staff. The amount of approximately EUR 24,5 million granted to Bulgaria under two calls for proposals for Specific Actions under the BMVI will be used for enhancing border management through the delivery of specialized equipment and vehicles for border control, and for establishing automated systems for border control and border zones and installing security systems at river border crossing points.

Improvement of accelerated procedures on asylum

The Pilot focused on the practical application of the **accelerated procedure**³ in the transit centre of Pastrogor, mainly for applications which are likely to be unfounded. Between March and September 2023, out of a total of 2033 asylum applications registered in Pastrogor, 1499 asylum applications were rejected under the accelerated procedure, 6 asylum applications were rejected under the normal procedure and 159 decisions for terminating the asylum procedure were issued. This allowed for a swift in-merits processing of the applications and prevented the overburdening of the reception and processing capacity of regional centres, ensuring a fair and efficient balance of the workload.

As regards the relevant **national legislative framework**, a draft amendment to the Law on Asylum and Refugees improves the effective implementation of the accelerated procedure. Until the entry into force of the envisaged amendments, a new circular elaborated by the State Agency for Refugees (SAR) is implemented by the relevant staff, following training sessions for officers, case workers and legal advisers on the application of the circular in three territorial units (Harmanli, Bania, Pastrogor). The main aim of the circular is to improve the practical implementation of the accelerated asylum procedure.

Additionally, Bulgaria designated a list of safe countries of origin and a list of safe third countries.

The Pilot supported Bulgaria to initiate targeted improvements to the **digitalisation of asylum procedures**. A visit by the Bulgarian State Agency for Refugees to Greece took place, with the support and mediation of EUAA, to exchange good practices. A dedicated concept note was elaborated. The next steps include the design of the terms of reference for a comprehensive digitalisation project and the identification of possible funding sources.

Bulgaria expanded its cooperation with the EUAA in the areas of asylum and reception, through a revised **Operating Plan** signed in July 2023⁴. As of October 2023, 27 interpreters and 5 reception experts have bolstered the national services responsible to support the reception and asylum systems, out of a total of 54 staff foreseen.

Efforts to increase returns

Bulgaria has focused on the implementation of an effective return and readmission, with the support of Frontex and the Commission.

³ In line with Article 31(8) of the Asylum Procedures Directive.

⁴ https://euaa.europa.eu/sites/default/files/EUAA_Operational_Plan_to_Bulgaria_2022-2023.pdf

In May 2023, the Bulgarian Ministry of Interior and Frontex agreed on an **Action Plan on Returns**. This led to the deployment of two Frontex return specialists performing also return counselling and two interpreters/cultural mediators. The implementation of the Action Plan led to more visibility for the common capacity building and knowledge sharing activities. In total, 1382 counselling sessions were conducted between May and September 2023 where third country nationals were duly informed about all available venues for voluntary and assisted voluntary return (including reintegration) and, where applicable, the procedure and prospect for forced return. Bulgaria has been making use of the possibility to offer short- and long-term post-return support in kind and in cash for voluntary and for forced returns through Frontex Joint Readmission Services (JRS).

In parallel, Frontex organized a return and reintegration training for Bulgarian officers on 11-15 September 2023 which will be followed by a series of national trainings, in order to improve general knowledge on the process of return counselling and make internal selection procedure.

In parallel, Bulgaria is launching a **new assisted voluntary return programme** as of early 2024, to be supported under the 2021-2027 Asylum, Migration and Integration Fund (AMIF), which provides for the increase of the incentives and reintegration assistance to beneficiaries. Bulgaria plans to increase the cash incentive from EUR 150 to up to EUR 900 and the reintegration assistance from EUR 1000 to up to EUR 3000, or for families from EUR 2000 to up to EUR 7000.

A further area of cooperation focused on the improvement of the national return **case management IT system**. As a first step, Frontex carried out a gap analysis which will be the basis for ensuring closer alignment of the existing Bulgarian system with Frontex IT reference model for return case management systems (RECAMAS).

To accelerate returns and limit the risk of absconding and secondary movements, the Bulgarian authorities have prepared an amendment to the national legislation (Law on Asylum and Refugees and Law on Foreigners), which would allow the issuing of a return decision at the same time as a negative decision on an application for international protection. Its adoption by the National Assembly is pending, but this is being prioritised by the Bulgarian authorities.

Bulgaria has been exploring possible diplomatic avenues to increase the possibility of both forced and voluntary returns and is in a process of consultation for concluding a Memorandum of Understanding with Iraq. Bulgaria has exchanged best practices with other Member States including through the High-Level Return Network and the Return Coordinator and made use of Frontex's expertise to reach out to relevant embassies.

Additional actions to counter migrant smuggling

Bulgaria reinforced its national legal framework on migrant smuggling. Amendments to the Penal Code entered into force on 4 August 2023. The amendments aim to put in place more severe sanctions for trafficking in human beings, migrant smuggling and assisting illegal border crossings and illegal inland stays. The number reported by the Bulgarian authorities of initiated pre-trial proceedings for the first nine months of 2023 is 1061, which is 61 per cent higher than the same period of 2022.

Various preventive anti-smuggling measures on inland territory are being implemented, including enhanced real-time information exchange, constant specialised police operations and efficient penal prosecution of migrant smugglers. As a result, as of 30 September 2023, the Bulgarian authorities reported that there were 12 838 inland detections of irregular migrants (41 per cent more compared to the same period of 2022). Information from all Ministry of Interior structures on persons, vehicles,

organised groups involved in criminal activities related to migrant smuggling and trafficking in human beings is gathered and updated on a daily basis. Work is also ongoing for countering crimes related to migrant smuggling, i.e. use of false and counterfeit documents. Financial investigations are carried out aimed at confiscation of assets acquired from migrant smuggling.

In the context of the Pilot, Bulgaria strengthened **the cooperation with Europol** to counter migrant smuggling networks and to limit secondary movements within the EU, with enhanced exchange of information and strengthened analytical support by the Agency to support investigations, including through the deployment of an expert from the European Migrant Smuggling Centre to Sofia.

This enhanced cooperation also contributed to successes, of which a positive example was Operation Werta, during which 28 persons were arrested for smuggling migrants via Bulgaria and Romania⁵.

In addition, an **Operational Task Force to strengthen investigations to counter migrant smuggling has been set up** upon Bulgaria's initiative and with Europol's support. A first result of these concerted efforts led to the dismantling of a logistical cell for a larger migrant smuggling network active across several European countries⁶.

For the first time in Bulgaria, Frontex is hosting a **Mobile Operational Support Teams** for combating cross-border crime as part of ongoing joint operations. The project resulted in 240 vehicles being checked, 360 documents being found, and 6 kg of cannabis and 0.5 kg of cocaine being seized.

Between March and September 2023, 252 smuggling investigations have been opened by the Bulgarian border authorities, and 243 persons have been prosecuted.

5. Next steps

To further capitalise on the positive achievements so far, it was agreed to continue cooperation within the framework of the pilot project, with regular Steering Committees to monitor the implementation and efficiency of new measures put in place in this context.

⁵ <https://www.europol.europa.eu/media-press/newsroom/news/28-arrested-for-smuggling-migrants-bulgaria-and-romania>

⁶ <https://www.europol.europa.eu/media-press/newsroom/news/targeting-logistics-drivers-migrant-smuggling-cell-dismantled-in-bulgaria>