

**ANNUAL REPORT 2018 ON MIGRATION AND ASYLUM  
IN THE REPUBLIC OF BULGARIA  
NATIONAL REPORT (PART 2)**

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## EXECUTIVE SUMMARY

The improvement of national policies on legal migration, integration, international protection, control of irregular migration and border protection, and policies related to the prevention of trafficking in human beings and unaccompanied foreign children continued in the year of 2018. The aspirations of the Bulgarian institutions are the complete harmonization with the achievements of the EU acquis and introduction of the European best practices in all aspects of migration policy.

The first half of 2018 was entirely dedicated to the Bulgarian Presidency. In this regard, the efforts of all institutions have been focused to the realization of the main priorities of the Presidency in all areas of the European policies.

In 2018, all activities set out in the Action Plan for 2018 for the Implementation of the National Strategy on Asylum, Migration and Integration (2015-2020) were executed. An Action Plan for 2019 is in preparation and is due to be adopted. The plan is drawn up within the National Council on Migration and Integration and contains activities in all areas of migration policy. An inseparable part of it is the National Plan for the Integration of Persons granted International Protection in Bulgaria.

In the field of legal migration legislative changes were made in order to reduce the administrative burdens for employers to hire migrant workers. The Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented into national legislation by the Law for Amendment of Labour Migration and Labour Mobility Law and by amendment of the Regulation for Implementation of the Labour Migration and Labour Mobility Law.

In the field of international protection the focus was on the implementation of practical measures to improve the reception conditions and to strengthen the administrative capacity in the area. Measures have been introduced to create better conditions for care of UAMs. The Bulgarian engagements in resettlement continued.

In the field of carrying out policies for UAMs changes have been made to the Foreigners in the Republic of Bulgaria Act and the Regulation for its implementation with regard to their accommodation as well as the representation of those UAMs not applying for international protection in Bulgaria. The efforts of all institutions with competences regarding UAMs continue aiming better effectiveness and coordination in their actions. The Coordination Mechanism for interaction between institutions and organizations guaranteeing the rights of minors and their staying in the Republic of Bulgaria, including those seeking or having international protection has been updating to reflect the last amendments in the relevant legislation before its adoption by the Council of Ministers.

In the field of integration the Republic of Bulgaria has modern, well-developed and effective legislation in the area of equal opportunities, social inclusion and non-discrimination, which is fully in line with the European standards. For the first time since the adoption of the Ordinance on the terms and conditions and procedure for concluding, implementing and terminating the agreement on the integration of persons with granted asylum or international protection (Ordinance on Integration Agreements) in 2018 integration agreements have been concluded with persons granted international protection.

In the field of citizenship and statelessness legislation changes have been made in order to prevent the possibility of granting citizenship against investment.

In the field of counteracting irregular migration the efforts of Bulgaria in effective protection of the state border, as well as in increasing the measures for prevention and successful counteraction of the borders continue. In 2018 Bulgaria worked actively for increasing its readiness as an external EU

border in case of possible migratory pressure. The Ordinance on the Terms and Procedure for Issuing Visas and Determining the Visa Rules has been amended in order to synchronize its provisions with the amendments of the Foreigners in the Republic of Bulgaria Act.

In the field of return legislative changes have been made to specify the terms and conditions under which the additional measures are introduced to guarantee return are applied as well as the alternatives to detention in the centers of a closed type. In fulfilling its engagement in return, Bulgaria has continued its excellent cooperation with the European partners and relevant international organizations. And in 2018 our country continues to participate in joint flights organized by other EU Member States and coordinated and co-funded by the Frontex Agency for the return of illegally staying third-country nationals. Bulgaria's cooperation with the International Organization for Migration has been strongly intensified for successful voluntary returns.

In the field of combating trafficking in human beings in 2018 an active work is being done for the implementation of the annual activities for implementation of the National Strategy for Counteracting Trafficking in Human Beings. There have been many national and regional awareness raising campaigns on the risk of trafficking in human beings.

## **1. INTRODUCTION**

The present report constitutes an overview of the main debates, legal and political initiatives in the field of migration, integration and asylum in the Republic of Bulgaria for the year of 2018. The report is elaborated by the National Point of Contact of the European Migration Network (EMN) as an execution of article 9, para 1 and article 9, p. 1 of the Council Decision of 14 May 2008 establishing a European Migration Network (2008/381/EC).

The report consists a brief survey over the general structure of institutional and law enforcement system in the Republic of Bulgaria in the scope of migration, integration and asylum and delivers an explanation on the basic changes occurred in it during 2018.

The tenth report of Bulgaria is elaborated in compliance with the guidelines of the European Migration Network regarding its structure. The report presents an overview of the most important policy actions and debates as well as the legislative changes and concrete measures in the field of migration, asylum and integration in Bulgaria during 2018.

### **1.1. Methodology**

The report is based on data from a wide range of domain sources which aims at providing actual, impartial, reliable and comparable information on migration and asylum. The information is taken from publicly available governmental documents, strategies, action plans, annual reports, published surveys and etc. Opinions and publications on non-governmental or international organizations are also included.

The information on the legal aspects of the report refers to free sources and subscriptions to the legal information systems as well as to the websites of the National Assembly and the institutions and organizations which opinions are quoted.

The analysis of political and legal debates is based primarily on Internet sources, printed and electronic domains, as well as public statements by ministers and other authority representatives.

### **1.2. Terms and definitions**

The terminology used in this report is based on the Glossary of the European Migration Network. The separate terms that refer in particular to the Bulgarian legislation framework are usually supplemented by explanations from the text or in a footnote.

## 2. ASYLUM AND MIGRATION POLICIES DEVELOPMENT SURVEY

### 2.1. General overview

In 2018 the main debates in all areas of state policy were subordinated to the realization of the priorities of the Bulgarian Presidency of the Council of the EU.

The main debates concerning migration, integration and employment at the Bulgarian

The main discussions on migration, integration and employment of third-country nationals on the Bulgarian market were related to the search for a lasting public consensus to implement policies that ensure national priorities in the context of the European agenda.

During the year, successful decisions were sought to find a balance between security and respect for human rights within the asylum system and the successful counteracting of irregular migration. The debate on labor migration focuses between finding good solutions to fill the gaps in the national labor market with workers from third countries without affecting the interests of Bulgarian workers and employers.

In response to the challenges in the field of migration, asylum and integration as well as to improve and refine the legal framework of Bulgaria, the following legislative changes were made in 2018:

**Foreigners in the Republic of Bulgaria Act (FRBA)** – with the amendment the possibility of accommodating unaccompanied minors and minors in the centers for short-term residence of foreigners has been dropped. The same amendments regulate the representation of unaccompanied minors in the procedures under the FRBA.

**Implementation Regulations of the Foreigners in the Republic of Bulgaria Act** – the amendments defines the order for performing procedures for UAMs where the competent authorities and their responsibilities in the identification of UAMs are defined as well as the interaction with the Social Assistance Directorate.

A legal definition for an unaccompanied minor has been introduced; the circle of persons who can accompany the foreign minor has been defined.

Also, the amendments regulate the order for issuing European travel document in accordance with the Regulation (EU) 2016/1953 of the EP and the Council.

The terms and conditions under which the additional measures to guarantee return are applied and the alternatives to the detention in centers of a closed type have been introduced.

**Labour Migration and Labour Mobility Act (LMLMA)** and the **Rules on its application**-with the amendments the Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing is implemented in the Bulgarian legislation.

**Bulgarian Personal Documents Act** – the changes are directly linked to the amendments in the LMLML concerning the types of documents for residence in the Republic of Bulgaria.

### 2.2. Institutional framework and legislation in the field of migration and asylum

Asylum And Refugees Act<sup>1</sup>, Bulgarian Citizenship Act<sup>2</sup>, Bulgarian Personal Documents Act<sup>3</sup>, Combating Human Trafficking Act<sup>4</sup>, Foreigners in the Republic of Bulgaria Act<sup>5</sup>, Labor Migration and Labor Mobility Act<sup>6</sup>, Act on Entering, Residing and Leaving the Republic of Bulgaria by

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<sup>1</sup> <https://lex.bg/laws/ldoc/2135453184>

<sup>2</sup> <https://www.lex.bg/laws/ldoc/2134446592>

<sup>3</sup> <https://www.lex.bg/laws/ldoc/2134424576>

<sup>4</sup> <https://www.lex.bg/laws/ldoc/2135467374>

<sup>5</sup> <https://lex.bg/laws/ldoc/2134455296>

<sup>6</sup> <https://www.lex.bg/bg/laws/ldoc/2136803084>

European Union Citizen, Who Are Not Bulgarian Citizen and Their Family Members<sup>7</sup>, Pre-school and School Education Act<sup>8</sup>, Employment Promotion Act<sup>9</sup>, Penalty Code<sup>10</sup> (regarding penalties for illegal migration and trafficking in human beings), Recognition of Professional Qualifications Act<sup>11</sup>, other relevant legislation as organizational codes of the competent institutions, and health, education and other laws that have specific provisions for migrants. The legal framework for foreign investment is also relevant.

### 2.3. Political development – general context

In a political context, 2018 was marked by the Bulgarian Presidency of the Council of the EU. As a Presidency our country has made efforts to find sustainable and balanced migration solutions in a situation where national priorities of some member states were in some cases incompatible with European goals and priorities. In the light of the EU Presidency, Bulgaria successfully balanced the balanced the foreign policy aspect in the context of Visegrad Four's refusal to participate in the European Commission's initiatives to find a solution to reduce the flow of migrants to the European Union and to tighten border controls, Italy refused to participate in EU plans that did not include priority aid for it. Bulgaria continued to work to maintain good neighborly relations with the Republic of Turkey under the terms of the EU-Turkey Agreement. Our key priority remains country's accession to the Schengen area.

Since May 2017, on power is a coalition between the winning election party Citizens for European Development of Bulgaria (GERB) and the union of three nationalist formations under the name "United Patriots". The main task of the Bulgarian government in 2017 was the effective preparation for successful execution of the first Bulgarian presidency of the Council of the EU. For this purpose, the figure of the Minister of the Bulgarian Euro-Presidency was created, engaged in the overall coordination of the preparation and holding of the presidency. Since the end of the Presidency this political figure ceased to be part of the executive power structure.

### 2.4. Overview of the main debates in the field of migration, asylum and integration

The major public debates on migration and asylum in Bulgaria last year were related to maintaining the balance between national security, respect for human rights and our core commitments as an EU member state.

The issue whether Bulgaria should join the UN Global Compact for safe, orderly and regular migration has triggered tensions in society and has led to a heated debate between the ruling coalition and the opposition. The Bulgarian Socialist Party, which is a major political opponent of the government, expressed its fears that by engaging our country in this document, we will be forced to stimulate greater regular migration, which is not necessary for our country.

Representatives of the patriotic parties have expressed the view that this document could create prerequisites for the legal entry into the territory of Europe of "*millions of Islamists and economic migrants*", which will directly affect Bulgaria, given its geopolitical position. Although the ruling party repeatedly explained the benefits of the document, it was finally decided that our country would not support it.<sup>12</sup>

Several months before that society again had tensions regarding the return of migrants in the country. In connection with a parliamentary question of the opposition party chairman to Premier Minister Boyko Borissov on the government's policy on migration in Bulgaria and Europe, two

<sup>7</sup> <https://www.lex.bg/laws/ldoc/2135535758>

<sup>8</sup> <https://www.lex.bg/bg/laws/ldoc/2136641509>

<sup>9</sup> <https://lex.bg/laws/ldoc/-12262909>

<sup>10</sup> <https://lex.bg/bg/laws/ldoc/1589654529>

<sup>11</sup> <https://lex.bg/laws/ldoc/2135579101>

<sup>12</sup> [https://www.capital.bg/politika\\_i\\_ikonomika/bulgaria/2018/11/12/3344546\\_bulgariia\\_se\\_otkazva\\_i\\_ot\\_pakta\\_za\\_migracii\\_na\\_oon/](https://www.capital.bg/politika_i_ikonomika/bulgaria/2018/11/12/3344546_bulgariia_se_otkazva_i_ot_pakta_za_migracii_na_oon/)

draft resolutions were tabled in Parliament - one of the opposition and the other of the ruling parliamentary groups. Ultimately, both have reached a consensus and the parliament, mandated by a decision the Council of Ministers not to sign bilateral agreements on the readmission of migrants<sup>13</sup>.

The decision of the parliament has caused different public reactions. The Bulgarian Helsinki Committee, in the person of the Director of the Legal Program for Refugees, described the decision as "political propaganda." According to the opinion expressed in Bulgarian media, the decision does not give rise to any legal or practical consequences for Bulgaria, because even before its accession to the EU, our country is obliged to sign agreements for the readmission of its own and foreign citizens with all EU member states.<sup>14</sup>

During the year there were also debates in the area of labour migration regarding the amendments to the Labour Migration and Labour Mobility Act. The Confederation of Independent Trade Unions in Bulgaria (CITUB) and the Confederation of Labour *Podkrepa* formally united in a position against the ideas of the Borisov-3 Cabinet and the ruling majority to greatly ease imports of workers from outside the European Union. Trade unions said they did not comment on the introduction of Directive 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of scientific research, study, work experience, volunteering, student exchange programs or educational projects and au pair programs. However, the trade unions do not support the texts relating to the increase in the percentage of TCNs employees, the drop of both the Blue Card market test and the list of professions with a shortage of highly qualified workers.

The reason for their disagreement is the lack of assessment of the needs of the labour market, which could prove the necessity of their dropping out. The two syndicates said they will stand against any attempt for labour and social dumping in Bulgaria and considered that the shortage of workers must first be proven with clear and unambiguous official data that they believe are missing.

In addition, the trade unions stated that the national labour market needs to raise labour income, provide opportunities for labour and personal development, safe and healthy working conditions and an increased standard of living in order to retain the economically active and educated Bulgarian citizens in Bulgaria.

*"Policies for the return of Bulgarian citizens to their homeland can provide the necessary and missing work force for the development of the economy in the country"*, unions are categorical<sup>15</sup>. In turn, the employers supported the changes in the legislation, considering that they reflect the needs of the Bulgarian labour market.

In the context of the above-mentioned debates, the UNHCR Representation in Bulgaria published in the beginning of 2018 a sociological survey of public attitudes towards refugees and people seeking protection in the country as well as the reasons and motives for the attitude and behavior of Bulgarians towards them. According to the survey, nearly half of Bulgarians (45.4%) believe that refugees can integrate successfully into Bulgarian society. 30.6% of citizens say they would help a refugee living in their populated area and to learn the language, and 24.6% would have helped them to find a job.

However, 56% of Bulgarians believe that refugees cannot integrate into society for cultural or religious reasons. There is also a belief that refugees do not want to settle in Bulgaria but seek to reach western EU member states. There is no understanding of who needs protection. As a whole, Bulgarians perceive almost everyone from outside the EU as an illegal migrant – without clearly recognizing the difference between migrants and people seeking protection.

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<sup>13</sup> <http://www.parliament.bg/bg/news/ID/4419>

<sup>14</sup> [https://www.dnevnik.bg/analizi/2018/07/29/3287971\\_zabranata\\_za\\_obratno\\_priemane\\_na\\_migranti\\_e/](https://www.dnevnik.bg/analizi/2018/07/29/3287971_zabranata_za_obratno_priemane_na_migranti_e/)

<sup>15</sup> <http://baricada.org/2018/02/21/sindikati-trudova-migracija/>



Two signs polarize public opinion on integration: religion and skin colour, according to research data. 45% of all respondents are of the opinion that refugees should be Christians, and for 32% of Bulgarians is important refugees to have white skin.

Despite the 2017 examples of non-acceptance of refugees in local communities, there is a small proportion of local people who would take action against refugee settlement in the place where they live. However, 16.4% of respondents said they would protest against refugees if they settled in their town or village. Every tenth Bulgarian is willing to expel refugees from his populated place.

The survey, conducted in December 2017 among 1010 Bulgarian citizens, also shows that a large number of Bulgarians (93%) have not met a refugee or a person seeking protection in the last few years.

To an open question how they get information on migration issues, 94% of respondents say that the source is television, 20% - Internet, 19% of Bulgarians are informed by friends, 11% - from newspapers and 7 % use social networks and radio.

In 2013, at the beginning of the large flow of refugees, the strongest fears of Bulgarians were related to security (72%), the risk of spreading disease (68%) and job losses. In 2017, the dominant fears are related to security (60%) and cultural and religious differences (48%)<sup>16</sup>.

## **2.5. Report of the Bulgarian Presidency – general context**

The Presidency of the Council of the European Union provided Bulgaria with the opportunity to set up clear priorities in the European Union's agenda, which are key for the country and for the European Union. Aim of the Presidency was to find common solutions in response to the expectations of Europe and the European citizens for better security, stability and solidarity, striving for a strong, digital and united Europe through consensus, competitiveness and cohesion. The motto of the Bulgarian Presidency was "United We Stand Strong", which is a reflection of Bulgarian history and statehood as well as of the idea of a united and inclusive Europe. The Bulgarian representatives worked for reaching balanced solutions in order to preserve the unity of the Member States and to fulfil the strategic priorities of the European Union, and in doing so they directed all their efforts to achieve concrete results within the 6-month period of the Bulgarian Presidency of the Council of the European Union (1 January - 30 June 2018). Recognizing the important role of the European Parliament and the national parliaments following the Treaty of Lisbon in shaping and implementing the European agenda, the Bulgarian Presidency relied on a strong Parliamentary dimension as a guarantee for the democratic legitimacy of European policies and the representation of the interests of the European citizens. In pursuit of our ambition to be an "open to the citizens" Presidency, Bulgaria worked in close cooperation with all regional governors, mayors and local government representatives, as well as with the ambassadors of the European idea coming from the non-governmental sector, academia and businesses. Bulgarian citizens had the opportunity to experience the essence and the objectives of the Bulgarian Presidency. During the Bulgarian Presidency of the Council of the European Union we worked on four key priorities:

1. The future of Europe and young people - economic growth and social cohesion;
2. European perspective and connectivity of the Western Balkans;
3. Security and stability in a strong and united Europe, and
4. Digital economy and skills of the future.

Thanks to the efforts of all participants in this process as well as to the good coordination within the Council for European Affairs and the Coordination Board of the Bulgarian Presidency of the Council of the European Union 2018, Bulgaria has exceeded the predetermined targets in many sectors. The Bulgarian Presidency started with 105 open legislative files on 1 January 2018, and the

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<sup>16</sup> <https://clubz.bg/65880-polovinata-byulgari-vgrvat-v-integracijata-na-bejancite>



European Commission subsequently presented 30 new proposals. The balance of the Bulgarian Presidency is:

- 46 agreements reached with the European Parliament;
- 39 "general approaches" achieved / mandates for negotiations with the European Parliament;
- 58 Conclusions of the Council;
- 1 Presidency Conclusion; 4
- 6 Council Recommendations;
- 17 Progress Reports, 5 of which Presidency Reports.

### **3. LEGAL MIGRATION**

#### **3.1. Bulgarian Presidency of the Council of the EU - Report**

In concern of the European Union agenda in the sphere of employment and social policy as a result of the exerted efforts the Bulgarian Presidency of the Council of the EU ended its mandate with 1 finalised legislative act, 3 general approaches of the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) and 2 progress reports. Also as a result of the conducted 4 tripartite meetings (trilogue) an agreement has been reached between the EP and Council on Directive on Posting of Workers in the Services Sector as to provide fair competitions between enterprises that post workers and local companies and greater clarity of Union legislation on posting of workers.

As a result of several rounds of discussions on the last two chapters of the Proposals for a Regulation of the EP and by the Council on the amendment of Regulation (EC) 883/2004 on the coordination of the social security systems and Regulation (EC) 987/2009 laying down the procedure for implementing Regulation (EC) 883/2004 (unemployment benefits and additional provisions) a 'general approach' on the file was reached on 21 June 2018. The aim of the proposal is to continue the process of modernisation of the Union legislation in the area of coordinating the social security systems.

After difficult negotiations during the same meeting on 21 June 2018, a 'general approach' was reached on the Proposal for a Directive by the European Parliament and Council on the work life balance of parents and careers and for repealing Council Directive 2010/18/EU (Work-Life Balance). The common goal of the proposal is to improve the access to the schemes for achieving work-life balance such as paid leaves and flexible labour schemes as well as greater use of paid leaves for family reasons by men and by doing so supporting the participation of women in the labour market. The Role of Women in the Digital World was one of the topics of discussion proposed by the Bulgarian Presidency within the framework of its priorities during the meeting of the high-level group on gender equality held in Sofia in late January 2018. The results of this discussion were presented during the informal meeting of Ministers of Labour and Social Policy of the EU Member States in Sofia on 17-18 April 2018.

In the same period a high-level Conference on Social Economy – for Economically Sustainable and Socially Inclusive EU was held during which the experience and good practices for promoting the integration of people in disadvantaged position in society and the labour market were shared.

During the EPSCO Council meeting on 21 June 2018, a Progress Report on the Proposal for a Regulation of the EP and of the Council on establishing a European Labour Authority (ELA) was approved that is part of the so called Social Fairness Package is presented by the EC on 13 March 2018. The ELA will be established as a new decentralized body of the EU and is expected to become operational in 2019. The objective is to provide information to citizens and companies on work opportunities, mobility schemes, apprenticeships and trainings, as well as guidelines on rights and obligations for living and/or working in another EU country.

### 3.2. General Overview

The implementation of policies for the management of legal migration in Bulgaria is subject to the priorities of the National Strategy on Migration, Asylum and Integration (2015-2020), where a priority is given to the endorsement of principles of good governance in regulating legal migration to support economic development of the country. One of the components of the Action Plan 2018 for the implementation of the national migration strategy for 2018 is dedicated to activities related to the implementation of priority national policies in the field of legal migration.

In 2018, the trend of a moderate flow of third-country nationals for labor migration to Bulgaria remains in the context of the continuing slow trend of employment growth in the labor market and the stabilization of the economic situation in the country and the observed steady drop in unemployment. In 2016 the ratio of employed persons aged between 20 and 64 is 67.7%<sup>17</sup>. In 2017, the tendency for slow employment growth in the labor market continues, when it is 3.6 percentage points higher than in the previous 2016 and reaches 71.3%. In 2018, the employment rate for the population aged 20-64 was 72.4%, or 1.1 percentage points higher than in 2017.

Unemployment rises from 5.6% in 2008 to 13.2% in 2013 (respectively 14% for men and 12.2% for women) and was 9.2% in 2015 (as men reach 9.9% and women -8.5%)<sup>18</sup>. In 2016, the unemployment rate dropped by 1-5 percentage points compared to 2015 and reached 7.6%. In 2017, the downward trend in unemployment continued, with a drop of 1.4 percentage points compared to the previous year, reaching 6.2%<sup>19</sup>. The coefficient of unemployment in 2018 decreased by 1.0 percentage point compared to 2017 and reached 5.2%.<sup>20</sup>

In February 2018, a new project called The Sofia Integration Agenda. Integration of Third-Country Nationals through Urban Partnerships INTEGRA<sup>21</sup> was launched and it is funded by the European Union Fund for Asylum, Migration and Integration. The project aims to improve the integration of third-country nationals in Bulgaria, Croatia, Czech Republic, Italy and Slovakia by sharing knowledge and experience between cities. The project will foster deeper mutual understanding between migrant communities and the host society against a background of growing political discourse that portrays migrants and refugees as a major threat to security in Europe. The project partners will develop concrete actions to overcome local integration problems: setting up local and international networks, urban audits, an urban integration agenda with future scenarios developed through urban integration laboratories. The Sofia Integration Agenda is based on the integration audit of the city, carried out in June, July and August 2018. The audit includes traditional means such as desk research and evaluation of Sofia's policies and practices for integration of third country nationals and migrants.

In addition to the city's audit report and the problems it identifies, a study was developed and conducted to generate and outline the three most realistic scenarios for the upcoming 3 to 5 years in relation to the third country nationals (TCN) in Sofia: the number of expected TCNs, economic and social activity and integration, the capacity of the local community to adopt them and the actions and measures of local authorities. The study covers areas of employment and qualifications, services for third-country nationals (access to healthcare, housing, education and training, etc.), security and safety, participation in civic activities. It also aimed to identify the main factors that will influence the most realistic scenarios and, most importantly, define recommendations for urban /municipal policies and measures to prepare and adequately respond to these scenarios. The survey was completed by 65 citizens.

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<sup>17</sup> [http://www.nsi.bg/sites/default/files/files/pressreleases/LFS2016\\_A1UAAIP.pdf](http://www.nsi.bg/sites/default/files/files/pressreleases/LFS2016_A1UAAIP.pdf)

<sup>18</sup> National statistical institute of Bulgaria

<sup>19</sup> [http://www.nsi.bg/sites/default/files/files/pressreleases/LFS2017\\_XN4YZPF.pdf](http://www.nsi.bg/sites/default/files/files/pressreleases/LFS2017_XN4YZPF.pdf)

<sup>20</sup> <http://www.nsi.bg> – Main Results from Labour Power Research and Study 2018.

<sup>21</sup> [www.integra-eu.net/www.sofia-da.eu](http://www.integra-eu.net/www.sofia-da.eu). Sofia Agenda for Integration ©2018 Association for Development of Sofia. All detailed information for the project is delivered from this source.

Within the framework of the project, statistical information is published regarding third-country nationals (TCNs) residing in the largest city in Bulgaria. TCNs in Sofia are now estimated at around 2 - 2.5% of the population, while the average for the country is 1.3%. Data from the National Statistical Institute for 2017 show that 11 188 third-country nationals have immigrated to Bulgaria only in 2017. The growth in the number of long-term and permanent residents of third countries is rapid: it is double for less than two years between 2015 and 2017: 13670 and 31587 respectively.<sup>22</sup>

The coefficient of employment of migrants in Bulgaria is 65.1%, which is higher than the EU average of 52%. Work permissions issued to TCNs are increasing, although their number is still low.

The increasing tendency in the number and employment of TCNs will continue, most likely at a faster pace. The legal framework was amended in 2018 to allow a greater number of TCNs to be employed in Bulgarian companies, simplifying and shortening the administrative procedure, which would further facilitate the process. The countries of origin are likely to remain the same - non-EU countries in the Balkans, Black Sea region and Middle East, as well as TCNs of Bulgarian origin. In parallel with it there is a similar tendency for TCNs arriving in Sofia for education purposes. In the school year 2016/2017 international students in Bulgaria were 12916 or about 5% of the total number of students. Their number is highest among students studying at post-secondary level, just over 30% of all students. At the end of 2016 there were 6738 PhD students in Bulgaria, of whom 503 were TCNs. The largest number of them was students from Turkey, Kazakhstan and North Macedonia.

In the school year 2017/2018, 210 children of migrants attended classes in seven municipal high schools in Sofia. It is likely that their number will increase over the next 3 to 5 years.<sup>23</sup>

According to the implementation report on activities from the Action Plan for the Implementation of the National Strategy on Migration, Asylum and Integration (2015-2020) the Employment Agency has provided access to the Bulgarian labor market for 1904 workers – citizens from 54 third countries in order to achieve a balanced reception of labour hand from third countries in support to the Bulgarian business and country's economic development. 636 of them were granted decisions on employment in connection with the issuance of a "Single Residence and Work Permit" by the Ministry of Interior; 273 persons have decisions on highly qualified employment in reference to the EU Blue Card issue by MoI authorities; 219 foreign nationals have seasonal employment decisions in reference with the issue of "Authorized for Seasonal Workers" by the Ministry of Interior; 739 were the seconded specialists with issued Employment Agency work permission and 37 were the Employment Agency decisions to transfer in intra-corporate transferees. Decisions to reject access to the labor market for 35 TCNs have been issued. During the reporting period, the Employment Agency registered a short-term employment of 9 044.

### 3.3. Policies and Legislation

The Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented into national legislation by the Law for Amendment of Labour Migration and Labour Mobility Act (SG 24/2018) and by amendment of the Regulation for Implementation of the Labour Migration and Labour Mobility Act (SG 43/2018). Both entered into force from May 23, 2018. The new regulations arrange the following:

- The cases of employment without work permit (by registration) of students and researchers, including academics, on the territory of the Republic of Bulgaria (including in the conditions

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<sup>22</sup> National Statistical Institute, <http://www.nsi.bg/bg/content/16333/разрешения-за-пребиваване-на-чуждиграждани>

<sup>23</sup> Source: [www.integra-eu.net/www.sofia-da.eu](http://www.integra-eu.net/www.sofia-da.eu).

of mobility in the EU and after completion of their research projects). This also applies to the employment of their family members;

- The conditions for access to the labour market without a work permit for the trainees are also arranged;
- The conditions for equal treatment of researchers, students, trainees, students and volunteers;
- The equal treatment of foreigners admitted under international agreements for regulation of labour migration and in the case of short-term employment registration was also regulated.

The last amendment of LMLMA includes also:

- The limitation on the number of third-country workers to 10% of the average size of a Bulgarian enterprise for the previous 12 months increases to 20% and for small and medium-sized enterprises - to 35%;
- The opportunity for third country nationals with Bulgarian origin to work without permission, after registration in the Employment Agency until obtaining the residence permit was provided;
- It has been explicitly stated that no work permit is required for family members of the beneficiaries of international protection;
- For the first time, third-country nationals' victims of trafficking in human beings, were included in the scope of the LMLMA by regulating their access to the Bulgarian labour market;
- The decision of the Executive Director of the Employment Agency for the issuance of a Single Work Permit will be granted for 20 days (shorter than it is provided for the general cases - 30 days);
- The requirement to conduct a labour market test for the issuance of an EU Blue Card was removed;
- The deadline for the decision of the Executive Director of the Employment Agency for the issuance of a permit for seasonal worker was shortened from 15 days to 10 days;

The appropriate amendments were made also in the Regulation for the implementation of the LMLMA:

- The procedure for employment without a work permit for researchers, including academics, on the territory of the Republic of Bulgaria, was modernized (including under the conditions of mobility in the EU and after the completion of their research projects). The procedure for registering the employment of third-country nationals who are admitted as researchers was provided;
- Procedure for access to the labour market for trainees without a work permit (under the terms of an employment contract for apprenticeship) was introduced. For this purpose, a new provision has been put in place to regulate the terms and conditions for the registration of third country nationals as trainees;
- Procedure for registration of employment (without work permit) has been established for persons of Bulgarian origin;
- The requirement for an employer to provide evidence of a prior labour market survey (so-called "labour market test") when applying for an EU Blue Card has been removed. In this regard, the provisions concerning the List of professions for which there is a shortage of highly qualified specialists were also removed;

- The procedure for access to the Bulgarian labour market for foreigners, victims of trafficking in human beings through a declaration by the employer is arranged;
- The introduction of the accelerated procedure (“fast track procedure”) for the decision on issuing a permit for a seasonal worker who has worked at least once on the territory of the Republic of Bulgaria as a seasonal worker during the last 5 years;
- The procedure is set for cases where the seasonal worker continues to work for the same employer after the expiry of the registration period for seasonal employment, which takes up to 9 months;
- The procedure for cases where the seasonal worker continues to work with another employer after the expiry of the registration period of the seasonal employment, which takes up to 9 months, was also introduced.

In the issue No. 24 from 16.03.2018 of the State Gazette are promulgated the amendments to the Labor Migration and Labor Mobility Act, adopted by the National Assembly on 1 March 2018, at the request of the nationally representative employers' organizations.

The amendments have taken effect since May 23, 2018.

On March 8, 2018, the Administration of the President of the Republic of Bulgaria addressed the Association of the Organizations of Bulgarian Employers (AOBE) with a request to formulate the reasons for the President's decision whether to issue a decree to promulgate the amendments to the LMLMA or to return the law for re-consideration by the National Assembly

In this regard, the AOBE has put forward a rationale, which insists on the promulgation of the changes, pointing out that amendments are needed in other normative acts that will guarantee the improvement of the labor market situation in Bulgaria. In their opinion, the AOBE representatives were firmly convinced of the need to facilitate the access to the labor market of the necessary specialists, as such an opportunity was created by the taken legislative changes. According to the Association, *"Particularly appropriate solutions are proposed with regard to: - dropping out of national law the non-existent 10% limit on the total number of TCNs working for the local employer combined with additional relief for small and medium-sized enterprises; - Abandonment of the obligation for the employer to carry out a preliminary labor market survey under the European Union Blue Card regime - Abolition of the special order under Article 18 - Facilitation of the procedure for the employment of persons of Bulgarian origin. Accepting this proposal in its entirety is extremely important for our country, as the accumulation of a number of negative labor market circumstances in recent years has led to a deepening of the problem of the lack of qualified specialists and thus the limitation of the opportunities for more intense development of the economy"*. In their statement, the representatives of the organizations of the Bulgarian employers also cited data in support of their opinion.

The problematic and relevance of the issues associated with the lack of suitably qualified workers is evident from the following unfavorable trends and data:

- 107 078 is the number of persons who retired in 2016, according to the data from National Social Security Institute (NSSI);
- 54 346 are young people who have completed secondary education in 2017, and there has been a steady downward trend in the last five years;
- Around 4,000 people average about a year. "Net emigration" for each of the last 5 years according to the Open Society Institute;
- 45% of employers, based on a poll conducted in late 2017, indicate that they are planning to recruit new workers and 29% say they are likely to be depending on market developments;
- Lack of human resources is referred to as the most acute business problem over the past two years;

- In only ten working days (02-16.01.2018) in the Labor Bureau Directorates, Bulgarian employers have declared 9511 job vacancies and most employers are increasingly using private agencies and other recruitment methods for this purpose of staff.

These facts show the need for more effective intervention in the labor market as to facilitate access to work in Bulgaria. The above data provide a convincing answer to the question whether workers, including TCNs, are needed for the development of the Bulgarian economy and is there any other plausible solution. In addition, without the import of workers, the economic development will be ceased by the present limited capabilities. As a final result according to AOBЕ there will be need to discuss the reduction of public spending as well as the freezing or reducing of pensions due to the day when (not only for demographic reasons) a real-sector worker will have to work out the two pensioners<sup>24</sup>. The statement of the AOBЕ was in response to the disagreement showed by some trade union leaders to the changes to LMLMA.

In 2018, amendments were made to the Regulations for Implementation of the Foreigners in the Republic of Bulgaria Act (promulgated in State Gazette, issue 57 of July 10, 2018). The amendments alleviate the procedure for granting a residence permission to foreign citizens of Bulgarian origin in order to increase the access to qualified labor force to the Bulgarian labor market. In Article 11, para. 5 of the Regulations for Implementation is given an option not to require a long-stay visa when applicant is of Bulgarian origin who have concluded a labor contract with an employer in the country. In the Article 35, para. 1 for foreign citizens of Bulgarian origin who apply for a permanent residence is granted a relief not to proof means of livelihood. It also provides on the grounds of Article 24 the consideration and decision on application to be granted in 7-day term.

As a result of the relief provided by Regulations for Implementation of the Foreigners in the Republic of Bulgaria Act, there was an increase of 49% in the number of long-term residence permissions and Single Residence and Work Permit type.

Relatively increased interest of foreigners, highly qualified workers within the provisions of the The Employment Promotion Act and researchers, to stay in the Republic of Bulgaria.

It is observed that there is an increase in the number of permanent residence permissions granted, as these are mainly to persons born on the territory of the Republic of Bulgaria who have lost their Bulgarian citizenship under expatriate settlements or by their own wish and presently desire to settle permanently in the territory of Bulgaria; persons of Bulgarian origin who have been legally and continuously resident in Bulgaria within the last 5 years prior to the submission of the application for permanent residence.

Analysis of recent years shows sustainability in the number of residence permits issued to European citizens.

Since the beginning of 2017 Bulgaria has started the negotiations for conclusion of bilateral agreements on labour migration with the countries of the Eastern Dimension of Mobility Partnership. As result of the negotiations:

- in January 2018 in Yerevan was signed the Agreement for Regulation of Labour Migration between the Republic of Bulgaria and the Republic of Armenia;
- in June 2018 in Sofia was signed the Agreement for Regulation of Labour Mobility between the Government of the Republic of Bulgaria and the Government of the Republic of Moldova.

Both agreements are concluded for an initial period of five years and their implementation shall be prolonged automatically for further periods of three years. These bilateral agreements shall apply

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<sup>24</sup> <https://aobe.bg/%D0%BF%D1%80%D0%BE%D0%BC%D0%B5%D0%BD%D0%B8%D1%82%D0%B5-%D0%B2-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%B0-%D0%B7%D0%B0-%D1%82%D1%80%D1%83%D0%B4%D0%BE%D0%B2%D0%B0%D1%82%D0%B0-%D0%BC%D0%B8%D0%B3%D1%80%D0%B0/>



for migrant workers who have signed an individual labour contract under these provisions and are provided with the necessary residence permit on the territory of the receiving country.

Also envisage the possibility for exchange of seasonal workers between the contracting countries for up to 9 months per year. The entry, stay and employment of migrant-workers within these Agreements shall be regulated by the national legislation of the receiving country. The Agreements guarantee that migrant workers shall have the same labour rights and obligations as of the local workers. The remuneration of migrant workers and their working conditions shall be specified in the individual labour contracts signed with employers and shall always be in accordance with the national legislation of the receiving country applicable to the workers with the same profession and qualification. Employed workers will be able to be accompanied by members of their families. The Agreement (Procedures for Implementation of the Agreement with the Republic of Armenia) contains a number of procedural provisions relating to the content of the job offer, the requisites of the individual labour contract, housing of migrant workers and etc.

As part of the implementation of migration and development policy under the Global Approach to Migration and Mobility and its instruments, as well as initiatives such as the Global Forum on Migration and Development, the Eastern Partnership and Euromed, including on national initiatives, two agreements on regulation of labor migration with Armenia and Moldova and the negotiations on the conclusion of such an agreement with Ukraine are at an early stage. The Council of Ministers has approved two draft Agreements with Republic of Belarus and Georgia. Two consultation sessions have been carried out with South Caucasus countries on drafts of the Social Security Agreements.

## **4. INTERNATIONAL PROTECTION AND ASYLUM**

### **4.1. Bulgarian Presidency of the Council of the EU - Report**

In the area of migration, the situation in recent years has clearly shown that comprehensive management of migration processes requires working solutions at EU level in different areas: legal migration, illegal migration, smuggling of migrants, border management, asylum, return policy, cooperation with third countries and international organisations. The Bulgarian Presidency continued its efforts to find appropriate solutions in all the areas mentioned.

With regard to the reform of the Common European Asylum System, the aim was to achieve maximum progress on all six files under discussion in the Council or with the European Parliament. Under the Dublin Regulation, the Bulgarian Presidency has proposed a comprehensive mechanism for sustainable crisis management – with clear criteria for defining pressure, allocation of responsibilities and a set of measures to address the challenges even before a crisis occurs. The majority of Member States identified the proposal as good basis for continuing the work on the file. Accordingly, in its Conclusions of 28 June 2018, the European Council noted that the Bulgarian and previous Presidencies have worked tirelessly to advance the reform, which has resulted in significant progress. Serious progress has also been made in the discussions on the Procedural Regulation, with a number of controversial issues being resolved.

At the end of Bulgarian mandate, provisional political agreement was reached on three of the four files under negotiation with the European Parliament (the Reception Conditions Directive, the Qualification Regulation and the Resettlement Regulation), since according to the package approach, the finalisation of the procedure and the approval of the agreement reached should be made after agreement has been reached on all the files including the Dublin Regulation. Under the EURODAC Regulation, agreement was reached on most of the controversial issues, with the exception of the question of the data retention periods of the system that should be dealt with after reaching agreement on the Dublin Regulation.<sup>25</sup>

### **4.2. General Overview**

In 2018 the Bulgarian policy in the field of international protection and asylum was carried out in a situation of reduced migratory pressure to the country. The State Agency for Refugees at the Council of Ministers (SAR) is the assigned institution for the provision of international protection in Bulgaria and implementation of a set of measures for adaptation and initial integration of the asylum seekers in the Bulgarian society. SAR concentrated its efforts to optimize the process of granting international protection, the implementation and upgrading of various types and volumes of measures to maintain and improve reception conditions for persons seeking international protection.

Considering comparatively weaker migratory pressure on the country over this period, the Agency has taken measures aimed at maintaining and improving the accommodation conditions of TCNs seeking international protection as funding is mainly provided through grant agreements and the Asylum, Migration and Integration Fund (AMIF).

In 2018 the total number of applicants for international protection in the Republic of Bulgaria was 2536 persons. In that year the profile of persons seeking protection in our country was constant and again the largest share was from Afghanistan – 43%, followed by citizens of Iraq – 25% and of Syria – 20%.

Children are 33% of all applicants for protection in 2018 while 57% are between the age of 18-34 and 10% are over 34 years of age. As distribution is 56% men, 11% women and minors are 33%.

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<sup>25</sup> [https://eu2018bg.bg/bg/Bulgarian\\_Presidency\\_Results.pdf](https://eu2018bg.bg/bg/Bulgarian_Presidency_Results.pdf)

In concern of the 2018 implementation of Regulation No. 604/2013 (Dublin III Regulation), a total of 3450 requests for readmission and assumption of responsibility were received. Unlike in 2017, when a total of 7921 take-back requests were received, in 2018 they have decreased by more than 50%. As in 2017 it was the same in 2018 when France, Germany and Austria are the three countries that have traditionally sent the highest number of requests with the difference that in 2018 from Austria were 244 while in 2017 for comparison their number was 1395.

In 2018 the asylum applications were 3797 case-closed where out of 730 foreigners granted international protection – 317 refugee status, 413 humanitarian status. Negative final decisions for 1362 persons were taken, with 902 applications being rejected as unfounded in an accelerated procedure under the general provision. The process of granting international protection have been ceased for 860 people. The international protection granted by the Republic of Bulgaria was terminated to 770 persons as it was ascertained the fact that these persons do not really enjoy the rights that have been granted. A review of the administrative correspondences was initiated and carried out in concern with the implementation of the EU Regulation 604/2013 of the European Parliament and of the Council. As a result of this review it was established that the responsibility of the Republic of Bulgaria under the Regulation has been dropped for 14622 persons and the concerned Member States have been notified.<sup>26</sup>

### 4.3. Policies and Legislation

The latest amendments to the basic law regulating the granting of international protection and asylum in the Republic of Bulgaria were made in 2016 in order to improve the administrative control over the persons seeking protection as well as on the grounds of the public interest and the public order. Amendments are in line with the provisions of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection. According to the new provisions in the Asylum and Refugees Act, asylum seekers have the right to move only within the defined area on the territory of the Republic of Bulgaria. These areas were elaborated and designated in September 2017 by the Council of Ministers.

In March 2019, the Asylum and Refugees Act was changed. The amendment restricts the application of the procedure for the collection of refugee families only to persons whose family ties precede entry into the territory of the Republic of Bulgaria. The proposed changes are a preventive measure against the conclusion of fictitious marriages.<sup>27</sup>

#### *Application Procedures for International Protection*<sup>28</sup>

There is a steady trend of improving the service and activities in concern of the international protection in 2018. In order to improve the quality of work at the different stages of the procedure for granting international protection, organizational and legal measures were taken during the period. The internal rules were updated as well as methodological guidances on the stages in the handling of applications for international protection. The changes aim at synchronizing with the norms introduced in the national legislation and necessity to diminish obstacles in the practical execution of the Asylum and Refugees Act.

The introduced changes include: shortening time term for the interviewing authority statement up to 2 months after the asylum seeker's registration; the inclusion of provisions governing the specific procedure for cessation of protection granted to unaccompanied minors; inclusion of a provision

<sup>26</sup> [https://aref.government.bg/sites/default/files/uploads/docs2019-03/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4\\_%D0%94%D0%90%D0%91-2018%20\\_20\\_03\\_2019.pdf](https://aref.government.bg/sites/default/files/uploads/docs2019-03/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4_%D0%94%D0%90%D0%91-2018%20_20_03_2019.pdf)

<sup>27</sup> <https://trud.bg/%D0%BF%D0%B0%D1%80%D0%BB%D0%B0%D0%BC%D0%B5%D0%BD%D1%82%D1%8A%D1%82-%D0%BF%D1%80%D0%B8%D0%B5-%D0%BF%D1%80%D0%BE%D0%BC%D0%B5%D0%BD%D0%B8-%D0%B2-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%B0-%D0%B7%D0%B0-%D1%87/>

<sup>28</sup> [https://aref.government.bg/sites/default/files/uploads/docs2019-03/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4\\_%D0%94%D0%90%D0%91-2018%20\\_20\\_03\\_2019.pdf](https://aref.government.bg/sites/default/files/uploads/docs2019-03/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4_%D0%94%D0%90%D0%91-2018%20_20_03_2019.pdf)

governing the possibility of leaving the designated area of movement. In order to unify the practice in the Agency's territorial divisions, guidelines have been developed relating to: conducting a procedure for granting international protection in the case of applications submitted by members of one family; conducting an interview with children over 10 of age (hearing within the provisions of the Child Protection Act); effective control over the procedure for granting international protection; application of the "safe-third-country" hypothesis, within the para 1, item 9 of the Additional provisions of the Asylum and Refugees Act in case of refusal to grant international protection; initiation of proceedings for the cessation or revocation of granted international protection on the grounds of Article 78 of the Asylum and Refugees Act. During the reporting period, meetings were held with representatives of the administrative courts and prosecutor's offices, which discussed case-law on decisions in the field of international protection, with an emphasis on unaccompanied minors seeking international protection.

### *Reception of Persons Seeking International Protection and Special Care for Vulnerable Groups<sup>29</sup>*

The SAR uses updated tools for an effective and personalized approach to meet the special needs of vulnerable persons in the context of their reception, procedure execution and focus on care and services. It elaborated a form for identification and assessment of needs; an individual support plan form and a social consultation form.

In the past year, totally 481 unaccompanied minors have submitted applications for international protection in the Republic of Bulgaria. They have received a quick assessment of their best interests (within 24 hours after registration). When a proven risk is discovered then a full assessment is carried out. Questionnaires for early identification of people with traumatic experience were delivered and 38 foreigners seeking protection were inquired in order to identify the special needs of vulnerable persons and refer to adequate psychological and medical care. With the assistance of SAR officials, the foreigners residing in the Territorial units of the Agency exercise their right to health insurance, access to medical care and free use of medical services under the conditions and procedures for Bulgarian citizens (Article 29, paragraph 1, item 5 of the Asylum and Refugees Act).

In the previous year new rules have been elaborated to harmonize the practice of healthcare offices within all Agency's territorial units. Medical examinations of 87 foreigners in international protection proceedings were conducted by virtue of the cooperation agreement between the SAR and Medical Institute of the Ministry of Interior. The Standard Operating Procedures for Prevention and Response to Sexual and Gender-Related Violence have been updated. In 2018 were established special rooms for unaccompanied children in the three hostels of reception centers in Sofia and Harmanli. There interviews are held in a child-friendly environment and meetings are organized with the representatives appointed under Article 25 of the the Asylum and Refugees Act, meetings with psychologists, etc. This improves the results of the Agency's work. A safety zone for minors, unaccompanied and seeking international protection, was built in the reception center in Sofia under an International Organization for Migration (IOM) project. It provides a 24-hour care for the residents.

Enrolled in Bulgarian schools are 161 children for the calendar year 2018. A good practice is shown in Sofia as to provide transport from the places they are housed to school and back in the school years 2017/2018 and 2018/2019.

Joint initiative of the SAR and UNHCR provided colorful posters written on basic languages of the asylum seeker minors on topics as Hygiene and Who's Who in the Centre as well as a cartoon called Daily Routine Agenda. Thus, children are properly informed about the procedures and their rights and the best interests of them are guaranteed. The SAR continued to provide Bulgarian language teachers for reception centers in Sofia and Harmanli throughout 2018.

### *First Instance Decisions and Final Decisions<sup>30</sup>*

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<sup>29</sup> [https://aref.government.bg/sites/default/files/uploads/docs2019-03/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4\\_%D0%94%D0%90%D0%91-2018%20\\_20\\_03\\_2019.pdf](https://aref.government.bg/sites/default/files/uploads/docs2019-03/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4_%D0%94%D0%90%D0%91-2018%20_20_03_2019.pdf)

In 2018 the State Agency for Refugees introduced a new methodology for analyzing and reporting on the procedural representation in claims against decisions under the Asylum and Refugees Act. The methodology makes it possible to improve the organization of work, keeping and taking into account the procedures for granting international protection. During the reporting period, a total of 591 cases were dealt by the Administrative Court of Sofia and the Supreme Administrative Court. The Administrative Court of Sofia has pronounced on 125 of 162 cases during the year. The Court sustained the decisions of SAR in 103 cases, which in percentage terms represents almost 82% of the rendered final decisions. The Supreme Administrative Court ruled on 332 of 429 cases filed during the year. The SAR's decisions were upheld by the Court in 258 cases or nearly 85% of the judgments handed down. From totally 430 cases during the year the Court sustained decisions of SAR at first and second court level in 361 cases or 84% of the rendered decisions.

#### *Effective Cooperation with the European Asylum Support Office (EASO) and Executed Trainings<sup>31</sup>*

Executing the European Asylum Support Office (EASO) Plan, the following was on track:

- A study visit in the Austrian Federal Agency for Migration and Asylum on topics about implementation of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person;
- A study visit to the safety zones for unaccompanied minors and underage applicants for international protection at the Belgium Federal Agency for the reception of asylum seekers (Fedasil);
- A study visit in the Swedish Migration Agency on topics related to the quality of the international protection procedures.

National trainings with mentors and logistic support from EASO were carried out on following topics: Identification of Dublin Cases; Sexual Orientation and Identification; Religion Conversion; Guidelines for Country of Origin – Afghanistan. These trainings were completed by 62 employees from SAR.

Specialized educational courses have been carried out under different programmes and projects:

- The European legal framework in the field of international protection;
- The improvement of conducting the procedure for granting international protection;
- Trainings on multiethnic tolerance, cultural awareness and coping with stress;
- Trainings of registrars and interviewers to identify and work with vulnerable groups.

Rare-language translations were provided for 9 sessions that were conducted via an electronic platform for VTC.

#### *Resettlement*

Pursuant to Decision No 750 of November 30, 2017 amending the Council of Ministers Decision No 263 from 2016 approving a framework for a national mechanism for the implementation of the Republic of Bulgaria's resettlement commitments in 2018 the SAR received 11 proposals from the UNHCR office in Turkey for resettlement of 65 Syrian citizens from Turkey to Bulgaria. A selected team consisting of experts from SAR, SANS, Interior Ministry and consultant mediators has conducted six visits to Turkey for interviews with candidates for resettlement and assistance to Syrian citizens on their way to Bulgaria. In 2018 two Syrian families were resettled in Bulgaria.

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<sup>30</sup> [https://aref.government.bg/sites/default/files/uploads/docs2019-03/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4\\_%D0%94%D0%90%D0%91-2018%20\\_20\\_03\\_2019.pdf](https://aref.government.bg/sites/default/files/uploads/docs2019-03/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4_%D0%94%D0%90%D0%91-2018%20_20_03_2019.pdf)

<sup>31</sup> Ibid.

On 30 November 2017, a decision for resettlement of 110 people by October 31, 2019 was taken in concern of the EU joint resettlement programmes and in line with the EC recommendation of 27.9.2017 on enhancing legal pathways for persons in need of international protection and regarding the new temporal framework. In November 2018, a new group of eight people was resettled in Bulgaria, in addition to the thirteen, resettled in June 2018 - a total of 21 people.

## **5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS**

### **5.1. General Overview**

During the refugee influx (2014-2016) and years after, a significant part of the refugee and migratory flow was made up of children, including unaccompanied minors. Unaccompanied migrant children, including those seeking or receiving international protection in Bulgaria, fall into the category of "children-at-risk" within the provisions of the Child Protection Act. In this concern the Bulgarian state has commitments to create the appropriate conditions and guarantees for the rights of these children, regulated both in national and international legislation. The children in this focus group have the same rights as the Bulgarian children left without a parental care<sup>32</sup>. The guiding principle in dealing with unaccompanied minors is that they are children at risk and, as such, national legislation guarantees access to the measures and activities regulated by the Asylum and Refugees Act, Child Protection Act and Foreigners in the Republic of Bulgaria Act.

According to the specifics of legal status of unaccompanied minors after their entry into Bulgaria, they can be categorized in three groups:

- 1) Those applying for international protection under the Asylum and Refugees Act – the State Agency for Refugees is the leading institution for ensuring the rights of this group. In the framework of the administrative proceedings under the Asylum and Refugees Act, applications for international protection by foreigners are examined. Depending on the investigation and gathered information in the course of proceedings, the administrative body makes a decision. Upon pending decision, the unaccompanied minors shall enjoy all rights of a person seeking international protection.
- 2) Those who have granted refugee status or a humanitarian status;
- 3) Those who are unwilling to apply for international protection and whose legal status is governed by the Foreigners in the Republic of Bulgaria Act – foreign children who do not wish to apply for international protection or who have been denied for this type of protection are subject to special measures by the territorial units of the national agency for social assistance.

In the past year, 481 unaccompanied minors submitted applications for international protection in Bulgaria. All unaccompanied have a quick assessment of their best interests within 24 hours after registration. When a proven risk is discovered then a full assessment is carried out in accordance with the principles of Articles 11 and 23 (2) of the Reception Conditions Directive and Article 25 (6) of the Asylum Procedures Directive.

### **5.2. Policies and Legislation**

The child care policies of unaccompanied minors in the Republic of Bulgaria are constantly being improved, as more and more good practices are observed in this area. Unaccompanied minors are served at any time during their stay in the country regardless of which of the above mentioned categories they get into.

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<sup>32</sup> Analysis of the legislative responsibilities in relation to the provision of care and protection of unaccompanied and separated minors and the necessity of legislative amendments for the construction of temporary accommodation for unaccompanied minors, UNHCR, Dated April 2017.



When an unaccompanied child is identified, the competent authority shall inform the territorial unit of Social Assistance Directorate, which records a child-at-risk alert and dispatch a representative-social worker from the Child Protection Department. The social worker attends all conversations together with the body that first came in contact with the child and other persons (interpreter, translator, etc) in order to consult the unaccompanied person in a manner consistent with his/her age. They inform him/her for development on the terms and conditions for applying for international protection and for the consequences in case of refusal to seek international protection under the terms of the Asylum and Refugees Act. An assessment of the child's best interest is made for each unaccompanied as the findings are objected in a separate document. This assessment is carried out by all relevant authorities in relation to the admission of unaccompanied minors in a procedure for granting international protection. The assessment involves identifying immediate actions to target specialized care and services and to guarantee the special needs. It is based on protection and a long-term and sustainable solution.

The assessment ensures that an unaccompanied child may live in an environment that meets its needs and respects its rights.

The rapid assessment of the child's best interests shall be prepared by a social expert within 24 hours of registration in the territorial unit of SAR.

The overall assessment is made when a recognized risk – high or moderate – for the unaccompanied person with an ongoing international protection procedure. A full assessment of the child's best interests is also prepared for accompanied children where the social experts find a risk of health, family violence, etc.

In case of a request for international protection for unaccompanied persons, the State Agency for Refugees shall be informed for it and relevant officials to specify the place, date and time of the child's transmission, as well as the accompanying documentation and information of health status and other relevant information.

In the protection procedure, the designated social worker from the Social Assistance Directorate supports the unaccompanied minors and assists in securing rights and interests during his/her stay and residence in the SAR's reception centers. The social worker works to provide the child with the necessary information to help for his/her opinion. The unaccompanied child shall consult on the possible consequences arising from his or her wishes and the decisions of the institutions. In SAR there are 21 social expert/social workers, as well as 18 social assistants who are responsible for 43 minors (up to December 31, 2018). They are in daily contact with the minors, conducting social interviews, individual counseling and group information sessions to identify individual needs..

The accommodation of unaccompanied minors seeking international protection shall take into account their sex, age, gender, nationality and ethnicity in accordance with the provision of Article 18 (3) of the Reception Conditions Directive. Each child's placement takes into account all these signs, conversations are held with the child and the best interest is judged in each case.

When determining the place of accommodation for unaccompanied minors, their desires are always taken into account. In any case, the brothers and sisters are accommodated together, taking into account the best interest of the child (Article 29 (11) of the Asylum and Refugees Act).

According to the provision of Article 29 (10) of the Asylum and Refugees Act, the unaccompanied minors are accommodated until they reach maturity age as follow:

1. Family of relatives or a single relative, foster care, residential child care community, or in a specialized institutional ward under the terms and conditions of the Child Protection Act;
2. Other places with special conditions for minors.

In the assessment of the child's best interests, all factors listed in Article 23 (2) of the Reception Conditions Directive are taking into consideration, namely:

- a) The possibilities of collecting family members in one place;
- b) Welfare and social development of minors, paying particular attention to personal situation;
- c) Safety and security considerations, especially when there is a risk of being a victim of trafficking in human beings;
- d) The opinion of the underage person in accordance with its age and maturity.

It is also stipulated in the Child Protection Act (Article 12) that every child has the right to freely express an opinion on all matters concerning its interest. This rule applies also in the procedure for granting international protection, always assessing whether the child's opinion coincides with his/her best interest.

Sustainable solutions for unaccompanied minors include a number of measures depending on the legal possibilities. It is of paramount importance to look at the possibility that children are raised by their parents, so family reunification or family reunion is an appropriate support. In partnership with the Bulgarian Red Cross measures are being taken members of family to be traced and founded.

In 2018 SAR established separated special rooms for unaccompanied children in the three hostels of reception centers in Sofia and Harmanli. There interviews are held in a child-friendly environment and meetings are organized with the representatives appointed under Article 25 of the the Asylum and Refugees Act<sup>33</sup>, meetings with psychologists, etc.

For the accommodation, special rooms are provided, where children are accommodated with their relatives if possible as long as this is in line with the best interests of the child. In every case of unaccompanied minors, the competent authorities follow the children's best interests and seek durable solutions to ensure living in safe and care, as well as preventing separation of children from one family.

Bulgaria has settled a mechanism in place to appoint representatives of unaccompanied minors seeking protection. Amendments to the Asylum and Refugees Act by the end of 2015 (Article 25) have entrusted to the mayors of municipalities to appoint their employees as representatives of the unaccompanied minors.

An organization for the implementation of Article 25 is set out which includes coordination between the SAR and respective municipalities for the purpose of referral and appointment of a representative. The aim is to ensure that all unaccompanied minors are presented by a sufficient number of representatives who effectively carry out their duties and have the necessary expertise. As of December 31, 2018 the unaccompanied minors are 43 in the SAR's territorial units, which means that on average one representative is responsible for 5-6 children.

The right for all is ensured in the procedure of international protection by health insurance during the proceedings and assistance for enrollment with general practitioner.

Identifying the special needs of vulnerable groups with emphasis on unaccompanied minors begins at the earliest possible stage in registering and/or primary medical examination in the reception

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<sup>33</sup> Art. 25. (1) (amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015) An unaccompanied minor or underage foreigner, seeking or having received international protection, who is in the territory of the Republic of Bulgaria, shall be appointed a proxy from the municipal administration, nominated by the municipality mayor or by an official authorized thereby.

(2) (amend. SG 31/05; revoked – SG 52/07; new – SG 80/15, in force from 16.10.2015) Where a minor or underage foreigner, seeking or having received international protection, is accompanied by a person of legal age responsible therefor by decree or custom, the person of legal age shall be appointed by the body referred to in par. 1 as their proxy.

(3) (new – SG 80/15, in force from 16.10.2015) The proxy of a minor or underage foreigner seeking or having received international protection until the person reaches full age shall have the following powers in the proceedings under this act:

1. to take care of their legal interests in the proceedings for provision of international protection up to their finalization by an enforced decision;
2. to represent them before all administrative authorities, including social, health care, educational and other institutions in Republic of Bulgaria, in view of protection of child's best interest;
3. to play the role of a process agent in all proceedings before administrative authorities.

(4) (revoked – SG 52/07, prev. par. 3, amend. – SG 80/15, in force from 16.10.2015) The State Agency for the refugees shall exercise control and shall take measures for protection of the minor and under-age foreigners seeking international protection against physical or mental violence, cruel, inhuman or humiliating treatment.

centers. The process of granting international protection to persons belonging to a vulnerable group is carried out by specially trained staff who have been trained by the EASO.

In 2017, the SAR updated the tools for an effective and personalized approach to addressing the special needs of vulnerable persons in the context of admission and procedure as focusing on care and services:

- a form for identification and assessment of needs;
- an individual support plan form;
- a social consultation form.

In 2018 the identified vulnerable persons were 290; psychological care has been given to 73 persons while 17 visited psychiatrists. Health care was provided to 361 individuals.

The right is ensured for all persons who are in the procedure for granted international protection during proceedings to have health insurance and an assistance for enrollment with general practitioner. Experts from the SAR assist the persons by accompanying them to diagnostic-consulting centers and medical institutions.

The refugee agency uses a questionnaire for the early identification of people seeking protection with traumatic experience in order to identify the special needs of vulnerable persons and refer to adequate psychological and medical care. Psychological counseling and interviews are conducted by NGOs psychologists as well as complex psychological assessments of the mental functioning of identified vulnerable persons with special needs, psychotherapy, psychiatric counseling. Persons experiencing torture are directed by SAR social experts to psychologists and psychiatrists of non-governmental and international organizations offering appropriate assistance.

The SAR has applied Standard Operational Procedures (SOPs) for victims of sexual and gender based violence (SGBV) since 2008. In 2018 these procedures were updated.

In concern of unaccompanied minors, the initial vulnerability assessment of individuals is carried out by police officers at the time of accommodation in a Specialized Home for Temporary Housing of Foreigners in accordance with their document references, initial discussion and medical examination. When there is a medical indication of vulnerability, these individuals are welcomed in the medical service office of the specialized home for temporary housing. Families with children and women are housed in specially separated rooms in a female ward, apart from other adult males. In subsequent talks with the foreigners, police officers, interviewers and psychologists working for the identification make further assess of the existence of indicators that determine vulnerabilities of the residents, such as physical violence, involvement in trafficking or other forms of abuse. This is in order to plan measures for support and recovery.

Satisfying the needs of vulnerable groups is a top priority in the activities of the special care homes at the Migration Directorate. These persons are subject to special care by the staff working at the specialized home for temporary housing of foreigners – interviewers, psychologists, medical workers, and security staff. Persons with special medical needs are housed in the medical service office (pregnant women, people with disabilities and chronic diseases) for the purpose of continuous monitoring by healthcare professionals. People with chronic illnesses are provided with dietary food and treatment appropriate to their needs. All vulnerable foreigners are provided with access to specialized medical care, including specialized treatment.

The psychologists from the Institute of Psychology - Ministry of the Interior work on a daily basis with these vulnerable individuals and monitor their condition and provide timely information to the management of the specialized homes. Any emerging need of individuals with specific requirements is considered and prioritized. The aim is to minimize the stay in this category in the Specialized Home for Temporary Housing of Foreigners.

During the year amendments have been made to the legislation aimed at guaranteeing the rights of unaccompanied minors in cases where no application for international protection was submitted.

With the amendments to the Foreigners in the Republic of Bulgaria Act<sup>34</sup> (in force since June 6, 2018), options for accommodating unaccompanied minors in the centers for short-term residence were abolished. The changes established a new article 7A in the law, which constitutes the representation of minors during the proceedings according to the Act: *Unaccompanied minors and persons under age shall be represented in the proceedings under this act by the Social Assistance Directorate at their place of residence.*

The amendments of Regulations for Implementation of the Foreigners in the Republic of Bulgaria Act<sup>35</sup> created a new chapter Two B which defines the way for proceedings against unaccompanied minors identified by the competent authorities/institutions and their responsibilities in the case as well as the interaction with the Social Assistance Directorate. During the administrative procedures under the Foreigners in the Republic of Bulgaria Act, unaccompanied minors are represented by the units from Social Assistance Directorate at their place of residence. Also regulated are the types of notification (notification letter) and transmission (acceptance and transmission protocol) of unaccompanied minors from a police body to the Social Assistance Directorate.

The new regulation stipulates the engagement of a police body that has identified an unaccompanied minor to report it to the Social Assistance Directorate at the place of residence and to hand the individual immediately to directorate staff members in case of life danger or health problems. When duly identifying that an unaccompanied minor is accommodated in the Specialized Home for Temporary Housing of Foreigners, the Migration Directorate is obliged to notify the social assistance authorities and to hand over the child immediately to a competent staff. When an unaccompanied minor decides to apply for international protection in the Republic of Bulgaria, he/she shall be transferred to the patronage of the reception center head or person authorized by him/her.

The order is also regulated when an unaccompanied minor has not applied for international protection. In such case after short period of time outside placement of emergency accommodation in a social service - resident type or a specialized institution, the authorities of the Migration Directorate hold an interview with the child. The purpose of the interview is to establish facts and circumstances regarding the whereabouts of parents or other persons responsible for the child by law or custom, as well as other relevant data relating to the situation and the will of the child. The social authorities designate a representative of the child who presents it at the interview and expresses an opinion. During the interview, the child is entitled to a translator from a language he understands as well as legal assistance, in the event of a compulsory or precautionary administrative measure. This change also reflects the recommendations made by the European Commission, Bulgarian Helsinki Committee and UNHCR for improving the legislation concerning minors.

A legal definition of an unaccompanied minor and foreign juvenile is introduced in para 2 of the additional provisions of the Regulations for Implementation of the Foreigners in the Republic of Bulgaria Act as well as a circle of persons who can accompany a foreign minor.

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<sup>34</sup> <https://lex.bg/laws/ldoc/2134455296>

<sup>35</sup> <https://www.lex.bg/laws/ldoc/2135738597>

## 6. INTEGRATION

### 6.1. General Overview

The integration policy towards the migrants who legally reside is in accordance with the Common Basic Principles for Immigrant Integration Policy in the EU. The balance between rights and obligations of the migrants in Bulgaria is guaranteed. The integration policy is an integral part of the overall state policy in the sphere of legal migration. The Republic of Bulgaria has a modern, well developed and efficient legislation referring to the equal rights, social inclusion and non-discrimination as it is in full correspondence with the European standards. The Protection Against Discrimination Act completely implements the regulations of the European directives for equality and regulates the defend of rights to all persons on the territory of Bulgaria against all types of discrimination.

According to the current legislation (article 3 of the LMLMA), the policy on free movement of workers, labor migration and the integration of foreigners is carried out in cooperation and after consultation with the representative organizations at national level of employers and employees, as well as with representatives of other non-profit legal entities registered under the provisions of Chapter II of the Non-Profit Legal Entities Act.

This cooperation and the consultations as well are carried out by the National Council for Labor Migration and Labor Mobility (NCLMLM), established by the Minister of Labor and Social Policy. The NCLMLM consists an equal number of representative employers 'and employees' organizations at national level, representatives of ministries, agencies, committees, and local authorities. Representatives of international organizations and non-profit legal entities acting in the field of labor migration, labor mobility and the integration of foreigners may also be invited for participation in the council. The chairman is the Minister of Labor and Social Policy.

The Minister of Labor and Social Policy may impose, after consulting the NCLMLM, some restrictions on the access of third-country workers to the labor market, including the highly qualified specialists and freelanced persons, according to the situation, development and public interests of the labor market.

### 6.2. Policies and Legislation

On March 1, 2018, the National Assembly passed the law on amendment and supplement to the LMLMA (promulgated in the State Gazette No 24 of 16 March 2018), which transposed the requirements of *Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing* (The Directive). In addition, on the proposals of MPs in LMLMA some of the requirements regarding the access to the labor market of TCNs for the purposes of highly qualified and seasonal employment, etc. have been modified. The abovementioned amendments and supplements have also set amendment to the implementation regulations of the law.<sup>36</sup>

Regarding the integration of persons granted protection in the Republic of Bulgaria, UNHCR in Bulgaria has prepared an analysis in April 2017 for the private sector engagement in the employment of refugees<sup>37</sup>. Findings in the analysis show that the dramatic increase in the number of asylum seekers and refugees in the last 5 years has brought the European Union to the enormous challenge of accepting, sheltering and integrating. According to the presented statistics there total protection applications in Bulgaria have reached over 58 000 in the period from 2013 to February 28, 2017, an average of 14 500 per year. For comparison in 2012 the total number of applications in Bulgaria was 13873. Nevertheless relatively high values, Bulgaria is still among the so-called transit

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<sup>36</sup> See Legal Migration

<sup>37</sup> <https://www.unhcr.org/bg/wp-content/uploads/sites/18/2016/12/Employment-for-Refugees-FINAL-BG.pdf>

countries as a very small part of the asylum seekers and those who granted status has remained permanently in the country.

The data from March 2017 of the State Agency for Refugees show following distributions of persons seeking protection by the level of education: 33% with 8<sup>th</sup> grade completed; 22% with a primary education; 21% without any education; 17% with secondary education; 4% with higher education; 3% with technical or special secondary education.

On the basis of group discussions conducted as part of the UNHCR-led Survey for Age, Gender and Diversity Participatory Assessments for Needs among refugees, social workers from the Bulgarian Red Cross, the Refugee Women Committee and Caritas. The research stated that the most desirable employment sectors for the responders are construction, food industry, transport, textiles, trading and beauty. It was sustained as well by data from the National Revenue Agency about the registered employment contracts and collected information from social worker in the fifth reception centers: Voenna Rampa, Harmanli, Vrazhdebna, Banja and Ovcha Kupel. For the purpose of survey, a list of professional skills and experience and desired positions from the accommodated persons in these centers was drawn up in February and March 2017.

From the results can be concluded that most of them want to work in their specialty. Furthermore it is also found that due to their social characteristics jobseekers are highly willing to accept work that is more typical and specific to Bulgaria, for example manufactures or translation services for NGOs dealing with refugees or call centers operating for customers in the Middle East.<sup>38</sup>

The Ordinance on the terms and conditions and procedure for concluding, implementing and terminating the agreement on the integration of persons with granted asylum or international protection (Ordinance on Integration Agreements) was adopted in 2017 and stands as a result of Bulgaria's efforts to create optimum conditions for the integration of refugees in the country.

By its nature the Ordinance is based on voluntary of municipalities and foreigners with international protection granted in the country. The initiative for the implementation of the Ordinance is a major commitment of the of municipalities' mayors and local governments in the Republic of Bulgaria.

Pursuant to the Ordinance on Integration Agreements in 2018 the State Agency for Refugees has prepared 49 integration profiles of the persons who have expressed interest in concluding integration agreements. The agency has received 4 applications for drafting integration agreements from three municipalities. For the first year since the entry into force of the Ordinance, agreements have been concluded for integration with two Syrian families.

In order to facilitate integration into the society, the competent institutions hold sessions with the international protection applicants on various topics, including the structure of the state, customs and traditions of the Bulgarians, and the right of access to the labor market. Those who wish to exercise their right of access to the labor market in 2018 were 101 in procession after the third month of their registration.

#### *Integration at local level*

The State Agency for Child Protection in partnership with the Bulgarian Red Cross has developed a proposal for a project entitled "*Communication Strategy for Persons Seeking or Received International Protection in Bulgaria and Informing Host Community for Positive Aspects of Effective Integration*" to be funded by Asylum, Migration and Integration Fund. The project is expected to support institutions and organizations working in the field of integration of refugees, migrants and unaccompanied minors.

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<sup>38</sup> Ibid.



## 7. CITIZENSHIP AND STATELESS PERSONS

### 7.1. General Overview

#### *Citizenship*

According to Article 98, item 9 of the Bulgarian constitution, the President of the Republic grants and reinstates citizenship or deprives of it. In order to fulfill this power, a Commission on Bulgarian Citizenship and Bulgarians Abroad was established to the Administration of the President, which is a specialized body. It assists the Vice-President in exercising the powers delegated by the President to the above-mentioned cases. Giving and restoring Bulgarian citizenship as well as the deprivation of it are some of the main prerogatives of the Vice-President of the Republic of Bulgaria.

In its work, the committee is guided by the belief that citizenship is the relationship of the person with the state and besides granting rights it covers a set of obligations. The Bulgarian citizenship is an affiliation to Bulgaria.

Following a request of proposals for change of citizenship, each of the files is reviewed and, if necessary, additional data is gathered to certify the grounds for applying for citizenship or changing of citizenship. Further the Commission inquires the relevant authorities on specific cases– the ministers with proposals for acquisition of citizenship due to special merit or state interest from the naturalization of a specific person, courts, prosecution offices, different structures of the state administration.

The main legislative framework concerning Bulgarian citizenship is:

- The Constitution;
- The Bulgarian Citizenship Act stipulates the conditions and procedure of acquisition, loss and reinstatement of Bulgarian citizenship.
- Ordinance No. 1 from 1999 on the Application of Chapter Five of the Citizenship Act.
- The Regulations of the Citizenship Council at the Ministry of Justice.

For the period from January 22, 2012 to January 18, 2017 the Vice-President in exercising the powers devolved by the President pursuant to Article 98, p. 9 of the Constitution had approved 794 decrees for the change in citizenship of 57396 individuals as follow:

- 463 decrees for acquiring Bulgarian citizenship for 53 797 persons;
- 198 decrees for reinstating Bulgarian citizenship for 2 434 persons;
- 95 decrees for releasing Bulgarian citizenship for 1 062 persons;
- 38 decrees for depriving of Bulgarian citizenship for 103 persons.<sup>39</sup>

### 7.2. Policies and Legislation

In January 2019 the European Commission presented a comprehensive report<sup>40</sup> on investor citizenship and residence schemes operated by a number of EU Member State, among them Bulgaria. The report maps the existing practices and identifies certain risks such schemes imply for the EU, in particular, as regards security, money laundering, tax evasion and corruption. A lack of transparency in how the schemes are operated and a lack of cooperation among Member States further exacerbate these risks. According to statistic data for Bulgaria in the period 2013-2019 the Investor citizenship ('golden passports') was acquired by 50 TCNs, while 436 individuals obtain permanent residence permissions.

Provisions of the Foreigners in the Republic of Bulgaria Act state:

<sup>39</sup> <https://www.president.bg/docs/1484820446.pdf>

<sup>40</sup> [http://europa.eu/rapid/press-release\\_IP-19-526\\_bg.htm](http://europa.eu/rapid/press-release_IP-19-526_bg.htm)

Art. 25. (1) Permanent residence permit may be granted to foreigners if:

6. who have invested in the country over BGN 1 000 000 or increased their investment by such an amount through the acquisition of:

- a) shares of Bulgarian companies, traded on a Bulgarian regulated market;
- b) debentures and treasury bonds and their derivatives, issued by the state or by the municipalities with a maturity date after at least 6 months;
- c) ownership in a separate part of the property of a Bulgarian company with at least 50 percent state or municipal share in the capital under the Privatisation and Post-privatisation Control Act;
- d) holdings or shares, owned by the state or the municipalities in a Bulgarian company under the Privatisation and Post-privatisation Control Act;
- e) Bulgarian intellectual property - copyright or related rights subject-matter, patent protected inventions, utility models, trademarks, service marks or industrial design;
- f) rights under concession contracts on the territory of the Republic of Bulgaria;

7. who have invested the amount under item 6 in a licensed credit institution in Bulgaria under a trust management agreement for a period of not less than 5 years, provided that for this time period the deposit is not used to secure loans from other credit institutions in Bulgaria.

8. who have invested the amount of at least BGN 6 000 000 in the capital of a Bulgarian company, which shares are not traded on a regulated market;.

According to the Bulgarian Citizenship Act:

Art. 14a. Person, who is not a Bulgarian citizen but meets the requirements of Art. 12, para 1, items 1 and 3, may acquire Bulgarian Citizenship by naturalization if:

1. not less than one year ago he/she is granted permanent residence in the Republic of Bulgaria permit on the grounds of Art. 25, Para 1, item 6 or 7 of the Foreigners in the Republic of Bulgaria Act and:

- a) increased their investment under the same terms of the Act in amount of at least BGN 2 million or
- b) invested into the capital of a Bulgarian trade company not less than BGN 1 million for completed by the company priority investment project, certified according to the Investments Promotion Act.

2. not less than 1 year ago he/she was granted a permanent residence in the Republic of Bulgaria permit on the grounds of Art. 25, Para 1, item 13 in relation with Art. 25c, item 1 of the Foreigners in the Republic of Bulgaria Act, during which year the executed and entered into exportation investments are maintained over the minimal level required for the issuance for an investment certificate class A as per the Investment Promotion Act, evidenced by the Ministry of Economy.

As a response, in the beginning of 2019 the competent institutions commenced a process on proposals for amendments to the Bulgarian Citizenship Act in two mainstreams – the first is acquisition of Bulgarian citizenship by origin, where the provisions of Article 13 of the law have to be précised and the second one is related to the opportunity of acquiring citizenship by naturalization, through investment.

The proposed draft on amendments and supplement to the Bulgarian Citizenship Act targets for the following cornerstones:

It is proposed to abolish the acquiring Bulgarian nationality by naturalization by persons who have been granted a permanent residence on the grounds of Article 25, para. 1, item 6 and 7 of the Foreigners in the Republic of Bulgaria Act, or as members of their family, or to increased their investment under the same conditions of the law to the value of two million BGN at least.

Since creation of the provisions of Articles 12a and 14a in the Bulgarian Citizenship Act in 2013 until now the persons applying for the acquisition of Bulgarian citizenship on these grounds have been granted a permanent residence due mainly to the purchase of government bonds worth over BGN 1 million or have invested more than one million BGN in a licensed credit institution after a contract for respectively an increase of investment under the same conditions to BGN 2 million.

However at the time of submitting the application for citizenship or at next stages of the proceedings, it appears that the investment is not available due to the sale of the purchased bonds or for other reasons. There are cases where, under a trust contract, the person does not have bank accounts and is not registered as an investor in the relevant bank designated by him for the investment of his capital in the form of cash or other financial assets. At the same time, these persons applying on the grounds of Article 12a are exempt from the Bulgarian language requirement and release from of their citizenship in order to acquire Bulgarian one.

Additionally, persons applying on the grounds of Article 14a are exempt from the requirement of a permanent residence of at least five years in Bulgaria (required not less than one year) and to have income or occupation enabling them to withstand and to have Bulgarian language skills and to free themselves from their citizenship in order to acquire Bulgarian citizenship.

The time term for submitting a proposal from the Minister of Justice to the President of the Republic for issuing a decree on the applications for acquisition of Bulgarian citizenship under Article 35, para. 1 and Articles 12a and 14a is considerably shorter – 6-month period compared to eighteen months on applications for general ruled naturalization. The existence of a legal opportunity to apply under the simplified terms and conditions for acquisition of citizenship for people, who have been permanently resident in Bulgaria due to short-term investments pursuant to Article 25, para. 1, item 6 and 7 of the Foreigners in the Republic of Bulgaria Act, in practice does not motivate them to apply for acquisition due to significant investments and obtaining a permanent residence under Article 25, para. 1, items 8, 13 and 16 of the same law.

The bill proposes the explicit regulation of the requirement to motivate the minister's proposals under Article 16 of the Bulgarian Citizenship Act (acquisition of citizenship in the case where the Republic of Bulgaria has an interest in the naturalization of the person or has special merits to the Republic in the social and economic spheres, in the field of science, technology, culture or sport). Presently this requirement is regulated at the regulatory level in Ordinance No. 1 from 1999 on the application of Chapter Five of the Bulgarian Citizenship Act, but the importance of this circumstance requires its regulation in a higher hierarchical normative act.

The previous practice in the application of the law shows that there are cases in which it is necessary additionally to clarified facts and circumstances when examining the candidates for acquiring Bulgarian citizenship. These are related to the submitted documents or clarification of the circumstances under Article 19 of the law by the responsible representatives from the Ministry of Interior and State Agency for National Security (DANS) in the Citizenship Council. Therefore, a demand is made for the submission of additional documents by the applicants or to carry out a check.

The required additional files are re-examined by the Citizenship Council upon their submission or after completion of the inspection, which sometimes lasts several months. The current law does not regulate the possible suspension of the deadlines and could lead to delays in the proposals from the Minister of Justice to the President of the Republic for issuing a decree for naturalization. The proposed bill makes provision for the requiring of additional documents or inspections in a 3-month time bond as well as the suspension of the terms under Article 35, para. 1 of the law in such cases.

In respect of the administrative capacity of the Ministries of Justice, Ministry of Interior and DANS, the bill presents shorter terms for the three entities to pronounce on the citizenship proceedings at the different stages.

The Council of Ministers adopted Decision No 704 from October 10, 2018 to take measures for transforming the model of administrative service as an implementation of Section 20 "Administrative Burden and e-Government", Priority 62: "Reducing Administrative Burdens on Citizens and Business and Creating Better Conditions for Economic and Investment Activity" from the Program for Governance of the Republic of Bulgaria for the period 2017-2021. The proposed measures are in 5 directions and divided into five annexes.

In Annex 2 of Decision 704 regarding the Administrative service 1421 "Issuance of a certificate for establishing the presence of Bulgarian citizenship" the following measure is proclaimed: *"To amend Ordinance No. 1 from 1999 on the application of Chapter Five of the Bulgarian Citizenship Act as "request" to be replaced by "application or request"*.

In Article 39, para. 1 of the Bulgarian Citizenship Act states that in case of a person's request the Ministry of Justice issues a citizenship certificate stating whether he/she is a Bulgarian citizen or not, according to the registers kept at the ministry. Therefore, the amendment to the Ordinance 1 can be made after the relevant amendment to the Bulgarian Citizenship Act insofar as the Ordinance is a secondary act on the application of the law and cannot contradict it.

In the same Annex 2 of Decision 704 regarding the same administrative service another measure is envisaged that can be implemented by making a change in the Bulgarian Citizenship Act, namely: *"At a discretion of the Ministry to preserve the term of delivery of the service, it should be regulated at the statutory level or alternatively to amend Ordinance 1 from 1999 on the application of Chapter Five of the Bulgarian Citizenship Act and the time to comply with Article 57 of the Administrative Code"*.

Presently the certificates are issued within 30 days in accordance with Article 5a, para. 3 of the Administration Act. In respect of the increasing number of applications for certificates for the establishment of Bulgarian citizenship in recent years (6 011 certificates issued in 2018, 4543 in 2017, 4064 in 2016 and 3699 in 2015) it is appropriate to retain the 30-day period for the issuing after regulation by the Bulgarian Citizenship Act.<sup>41</sup>

The amendments to the Bulgarian Citizenship Act are forthcoming.

### *Stateless persons*

After the amendments in 2016 to the Foreigners in the Republic of Bulgaria Act it was endorsed the granting of status to a stateless person under The 1954 Convention relating to the Status of Stateless Persons and The 1961 Convention on the Reduction of Statelessness, both ratified by Bulgaria and promulgated in the State Gazette 11 of 2012. This required the elaboration of a detailed procedure for the granting of "stateless person status" through amendments to its implementing rules<sup>42</sup>.

In 2017 the first status of a stateless person was granted in accordance with the new procedures introduced in our legislation. The Republic of Bulgaria is one of the few countries in Europe that granted such status under the provisions of the two cited Conventions.

In 2018 the status of a stateless person was granted to 92 individuals.

During the year continued the good cooperation with UNHCR within the framework of the Memorandum of Understanding on Conditions for Co-operation and Co-ordination concluded in August 2017. According to the Memorandum, the Migration Directorate from the Ministry of Interior cooperates with the international organization to ensure the rights of persons claiming status of stateless person by providing information relevant to their specific rights in a format adapted to

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<sup>41</sup> [http://www.justice.government.bg/Files/Мотиви\\_636887842509995966.pdf](http://www.justice.government.bg/Files/Мотиви_636887842509995966.pdf)

<sup>42</sup> State Gazette 518 from 27.06.2017

their nationality, age and specific needs. The UNHCR organized in 2018 a seminar dedicated to the procedure issues of status of stateless persons where practical aspects were examined.

## **8. BORDERS, VISAS AND SCHENGEN**

### **8.1. Bulgarian Presidency of the Council of the EU – Report**

We have set the security and the management of migration as key issues in the political agenda of the Bulgarian Presidency, with particular emphasis on improving border management and border security. In the context of the Bulgarian Presidency's specific priority for the European perspective and the connectivity of the Western Balkans, our efforts were aimed at enhancing cooperation with the countries of the region in the fight against terrorism and organised crime as well as in the field of border security.

We worked to improve the security of the EU's external borders by reaching an agreement with the European Parliament on the proposal for an EU Travel Information and Authorisation System (ETIAS); to strengthen the Schengen Information System by agreeing with the European Parliament on three regulations relating to police and judicial cooperation, border checks and the return of illegally staying third-country nationals and to improve the interoperability of EU information systems through achieving a Council mandate on the two regulations in this area.

The European Union is currently facing complex challenges related to migratory pressure, threats of terrorism, organised crime and cyber-attacks. Information systems providing the necessary information to police, border guards, migration and asylum officials and other competent national authorities are of particular importance both for the management of the external borders and for the internal security of the EU. The development of the interoperability of EU information systems and databases was one of the main priorities of the Bulgarian Presidency.

Border management has a direct impact not only on internal security and migration, but also on the free movement of people within the EU. We have placed a special focus on the successful implementation of the already adopted decisions, including preparing for the development and launch of new systems such as the "Entry / Exit" system and the full use of the extended mandate of the European Border Coast Guard Agency (Frontex).

The work of the Bulgarian Presidency to implement the concept of European Integrated Border Management (IBM) in practice at both EU and member state level resulted in the adoption of the Conclusions of the European Integrated Border Management Board of 4 June 2018. A conference was held on the same topic in Sofia.

During the Bulgarian Presidency the discussion started on a draft Regulation on the security of identity and residence documents of EU citizens and their family members, published by the European Commission on 20 April 2018.

Schengen is one of the greatest achievements of the EU and the Bulgarian Presidency made every effort to take measures aimed at restoring its normal functioning. Thus, during our mandate, the Council discussions on amendments to the Schengen Borders Code regarding the temporary reintroduction of internal border controls have been successfully finalised.

The efforts on the modernisation of the EU visa policy continued during the Bulgarian Presidency. In a short period of time we managed to reach an agreement in the Council on the proposals for amendment of the Visa Code published by the Commission on 14 March 2018. During its meeting on 29 June, COREPER approved the mandate for negotiations with the European Parliament on behalf of the Council.

During the Bulgarian Presidency the discussion in the Council on the amendment of the Visa Information System Regulation started presented by the Commission in May 2018. Work on this amendment will continue during the Austrian Presidency.

The Bulgarian Presidency exerted great efforts in achieving more integrated data management architecture and managed to reach an agreement in the Council within the framework of our mandate on the proposals for interoperability of information systems and databases in the area of

borders and visa and police and judicial cooperation on criminal matters. The examination of the two regulations on interoperability commenced and concluded during the Bulgarian Presidency with an approved mandate for negotiations with the European Parliament. The proposals are of crucial importance for the effective exchange of information as well as for ensuring timely access of competent authorities to relevant and high-quality information and data.

The negotiations with the European Parliament on the regulations for creating new functionalities of the Schengen Information System were concluded which will allow to introduce in practice of the agreed amendments aiming at further improvement of the system and its capabilities to support the work of the law enforcement agencies in the fight against crime and terrorism.

Political agreement with the European Parliament was reached regarding the extension of the mandate of the European Agency for Operational Management of Large-scale IT Systems (eu-LISA). The approved amendments enhance the capacity of the Agency and will provide capabilities for its contribution towards better management of the IT systems in the field of security as well as the implementation of concrete actions for improvement of interoperability.

The Bulgarian Presidency continued the efforts for the improvement of the cooperation between the competent authorities of the Member States in the fight on terrorism and organised crime. With the purpose of supporting the introduction and the start of the implementation of the Passenger Name Record Directive (PNR), the Presidency hosted the topical conference on the use of PNR data for law enforcement purposes.

As Presidency we placed great emphasis on prevention of radicalisation, active and efficient removal of illegal online content, strengthening the links between the external and internal dimensions of the security policy, etc.

The Council and its preparatory bodies conducted an in-depth discussion on issues related to countering the phenomenon of the so-called foreign fighters, resulting in the passing of the Council conclusions on strengthening the cooperation and use of the Schengen Information System (SIS) to deal with persons involved in terrorism or terrorism-related activities, including foreign fighters.

The final political agreement on the European Travel Information and Authorisation System (ETIAS), reached during the Bulgarian Presidency will contribute to building the new security architecture as well as strengthening border control and more effective migration management.

Within the Bulgarian Presidency, on behalf of the Council, COREPER approved a mandate for opening negotiations with the European Parliament on the proposal for amending the Schengen Borders Code and thereby adopting the legal framework to the new challenges in the area of security, while the cooperation in the Schengen framework will be enhanced, including with respect to its effectiveness.

The topic of the European perspective and enhancing cooperation with the countries of the Western Balkans was in the focus of our work. A discussion was held in Sofia as well as a working meeting upon the invitation of the Minister of the Interior with the ministers from the Western Balkans countries in Sofia. At professional level - experts from the Western Balkans countries took part in numerous activities and events of the Presidency in the area of fight against crime and terrorism.

## **8.2.General Overview**

### *Borders*

The ongoing regional conflicts and socio-economic instability in the Middle East, North and Central Africa continue to generate migratory flows towards Bulgaria on their way to Central and Western Europe. In 2018 there was an increase of 25% in the total registered attempts of TCNs to cross the borders of the Republic of Bulgaria in compare with 2017. However, the pressure on our borders is far smaller than that in 2015 and 2016.



During the reported period as a result of a set of measures – the completion of the border fence (obstruction facility)<sup>43</sup> along the Bulgarian-Turkish border, Turkey's compliance with the two agreements with the EU regarding migrants as well as the support of FRONTEX – the existing migratory pressure on the Bulgarian-Turkish border was controlled. The restrain effect of the fence has reduced migrants flow across the border with Turkey, but has led to its Westward move and significant increase on the border with the Hellenic Republic. This has emerged as a serious risk for the country. The migratory pressure on the Bulgarian-Greek border represents 47% of the total migratory pressure at the Bulgarian borderlines. Attempts to illegally cross the Bulgarian-Turkish border in 2018 were 23% lower compared to 2017, and at the Bulgarian-Greek border there was an almost six-fold increase in migratory pressure. This is due to the new migratory tactics initially migrating from Turkish to Greek territory and then later crossing to Bulgarian<sup>44</sup>. However the territory of the Hellenic Republic continues to be preferred destination as an entry point in the EU, mainly because the country is a member of the Schengen zone, and the procedure for crossing internal Schengen borders is simplified.

In 2018 the national division of detained persons at the entrance remains steady. The trend of migratory profile over the year is mainly from Afghanistan, Iraq and Syria. There has been a significant reduction of 60% of Syrian citizens who were admitted to the state border compared to 2017. There were no cases when persons were detained for illegal migration by sea. Still the routes for illegal crossing over the Bulgarian-Turkish border are preferred by smugglers and migrants as it gives lower risk. Due to the higher security measures at international airports, there was no change in the indicators showing an increase in illegal migration across the air border. The Bulgarian-Serbian Green Border remains a preferred destination for illegal exit from the country.

### *Schengen*

The accession to the Schengen area is a major priority of the Republic of Bulgaria. In 2018 the efforts of the national authorities continued to follow high Schengen standards and secure reliable external borders. Bulgaria's technical readiness for Schengen membership has long been confirmed, but our country is not yet a full member of the Schengen area.

Nevertheless, at the European level, the negotiations and promises of our country's access to different information systems within Schengen are becoming more and more intense. Bulgaria is already part of the new entry and exit system in the EU following a vote in the European Parliament on a common electronic system for speeding up checks at the external borders of the Schengen area and registering all non-EU travelers.

In December 2018, the European Parliament once again called for the accession of Romania and Bulgaria to Schengen and the document was supported by 514 of 659 MEPs. The European Parliament urges the EU Council to decide on the immediate abolition of checks on the internal land, sea and air borders of Bulgaria and Romania.

## **8.3. Policies and Legislation**

### *Borders*

In accordance with the provisions of the Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), there are two types of border inspections – minimum

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<sup>43</sup> The construction of an engineering facility at the Bulgarian-Turkish border was initiated as an additional measure for resolving a migrant crisis situation and was set as a measure in the Plan of Measures approved for 2013 for the most significant border zones. The facility was fully completed in 2017 and it is included in the list of strategic sites that are relevant to the national security of the Republic of Bulgaria. After put into operation, there was a sharp decrease (almost 7 times) in 2014 of attempted illegal crossing of that part of the border.

<sup>44</sup> [https://www.mvr.bg/docs/default-source/planiraneotchetnost/spravka\\_-december\\_2018\\_internet.pdf?sfvrsn=9f82a0ce\\_2](https://www.mvr.bg/docs/default-source/planiraneotchetnost/spravka_-december_2018_internet.pdf?sfvrsn=9f82a0ce_2)

border checks and comprehensive border checks differing in the volume of actions applied to the persons passing through border checkpoints, their documents and means of transport.

The modern technical devices for verification and special training staff ensure the effectiveness of border control. A major tool of border controlling at the check points is the Border Control Automated Information System. This is a centralized information system created by the Ministry of Interior's IT units and provides a high degree of significant data, interoperability and communication capabilities.

The total number of passengers checked at the border crossing points in 2018 was 37 460 751 or 36% more than those in 2017. The increased numbers in data is both due to the systematic checks to all passers-by throughout 2018 at all borders as well as the steady trend of traffic growth in recent years. Data show that the number of EU-checked passengers is 27 216 695 or 73% of total passenger traffic, compared to 10 244 056 TCNs or 27% of all.

Based on the number of border checks the distribution of flows across the different types of borders shows that at land is 66.6%, the air border is 32.5% and the sea and river 0.9% of all. Calculating this ratio, it should be mentioned that target (non-systematic) border checks are carried out at the exit of the internal land borders. At the Kulata and Makaza border checkpoint there is derogation decision of Article 8, para 2 of the Schengen Borders Code. As implementation of the decision, targeted border checks have been introduced at the two border crossings points with regard to the citizens enjoying the right to free movement under EU law and when entering Bulgaria.

The excellent cooperation between the Bulgarian border authorities and European Border and Coast Guard Agency (Frontex) continued in 2018. The 68<sup>th</sup> meeting of FRONTEX Management Board was held in Sofia under the Bulgarian Presidency of the EU Council. There the heads of the border and coastguard structures of EU Member States and Schengen associated countries reviewed current issues related to the activities reported for the previous year and the planning of the 2018 work. An analysis of the operational situation and a review of the implementation of the Roadmap for the practical implementation of the Regulation on the European Border and Coast Guard Agency was made.<sup>45</sup>

In 2018 the Ministry of the Interior of the Republic of Bulgaria (Border Police General Directorate) hosted Frontex joint operations such as Flexible Operations 2018 Border Surveillance, Flexible Operations 2018 – Border Crossing Points, Focal Points 2018 Land Borders, Alexis`2018 and Focal Points 2018 Air Borders. A total number of 1060 foreign staff personnel has being engaged for all periods of the joint operations. The execution of a joint Focal Points operation at sea borders has been canceled by Frontex Agency and resources were allocated to Focal Points Land Borders. Throughout 2018 police operations were carried out regularly to counteract illegal migration flows and to train the border efficiency of the Bulgarian-Turkish border. In concern of the decrease in migratory pressure to our country after 2016, it was decided to temporarily suspend the participation of the Bulgarian Armed Forces in the border surveillance, as well as in the various activities for the logistic support of the specialized operations<sup>46</sup>.

In the reported period, all preparations, organization, conducting and participation in international events were executed in implementation of programs and agreements for cooperation with border services in the field of bilateral and multilateral border police cooperation (with the neighboring countries, the countries from the region, the EU Member States, non-EU countries and international organizations).

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<sup>45</sup> <http://new.breaking.bg/obshtestvo/%D1%84%D1%80%D0%BE%D0%BD%D1%82%D0%B5%D0%BA%D1%81-%D1%81-%D0%B2%D0%B8%D1%81%D0%BE%D0%BA%D0%B0-%D0%BE%D1%86%D0%B5%D0%BD%D0%BA%D0%B0-%D0%B7%D0%B0-%D0%BE%D1%85%D1%80%D0%B0%D0%BD%D0%B0/>

<sup>46</sup> With the 2016 amendments in law of defense and armed forces, the scope of tasks of the army in a peacetime was expanded as giving the right to participate in borders protection of the state. In 2017 specialized border operations were carried out jointly with the militaries grounded on combine orders by the Ministers of Interior and Defense. They covered the logistic support in accordance with the Operational Plan with concrete measures and activities for the interaction between the two ministries.

Organization and coordination are founded for the detachment of Bulgarian border services officers in neighboring countries where to carry out duties on combine border controls, mixed patrols or agagements in joint contact centers.

A Plan for Cooperation Development was signed between border police entities of Bulgaria and Romania in the sphere of cooperation with neighboring countries in 2018.

According to the Memorandum Decision of the 18<sup>th</sup> Annual Meeting of Leaders of the Black Sea Littoral States Border/Coast Guard Agencies there were meetings of Working Groups - "Development of the Information Exchange and Analysis of Situational Awareness in the Black Sea", "Maritime Safety and Security of Black Sea Shipping" and "Development of a Common System for Early Detection of Illegal Activities".

The fourth meeting of the Joint Commission on the agreement for establishment and operation of the Captain Andreevo Joint Contact Center was held and were summarized statistical reports on the activities for 2017 and the first quarter of 2018 of the Joint Contact Centers for Police and Customs Cooperation.

### *Visas*

In January 2019 an amendment was approved to the Ordinance on the Terms and Procedure for Issuing Visas and the Determination of Visas regime<sup>47</sup>. The changes aim at shortening the time for taking decisions on applications for long-term visa of TCNs for the purpose of staying on the territory of the Republic of Bulgaria under Article 24k (Seasonal workers) of the Foreigners in the Republic of Bulgaria Act and overcoming existing gaps in the legal framework, as well as bringing provisions of the Ordinance on the Terms and Procedure for Issuing Visas and Determining the Visa.

The amendments provide that applications for such category of persons are considered within up to 15 calendar days instead of 35 business days so far. This timeframe creates conditions for faster processing of applications by persons wishing to work as seasonal workers and will help to meet the needs of Bulgarian employers more quickly to arrange seasonal workforce.

Secondly, the existing gaps in the legal framework regarding the decisions on applications for a long-term visa for TCNs under Article 15, para. 2 of the the Foreigners in the Republic of Bulgaria Act will be surmounted and regulated clearly and unconditionally.

Presently there are no coordinating procedure and deadline for deciding on applications for a long-stay of TCNs under Article 2 of the foreigners' law. The proposed changess reflect the current coordinating procedure with DANS (State Agency for National Security) and the decision-making process within 35 working days. <sup>48</sup>

### *Schengen*

By the 1<sup>st</sup> of August, 2018, the Republic of Bulgaria started implementing a Council Decision on the application of alerts in the Schengen Information System (SIS) under Article 24 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) - refusals to TCNs to enter on the territory of the Schengen area. A review of the automated information system "Administrative enforcement measures imposed" on national bans for entrance was done in order to bring the competent implementing structures into line with the remaining provisions of the Schengen legislation applicable to Bulgaria and Romania. This was with a view to endorse options of entering SIS alerts with photography and fingerprints.

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<sup>47</sup><http://dv.parliament.bg/DVWeb/showMaterialDV.jsp;jsessionid=D4545C81F5F8AACFF1306565456FFC1D?idMat=133755>

<sup>48</sup> <http://strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=3682>

## **9. IRREGULAR MIGRATION AND SMUGGLING**

### **9.1. Bulgarian Presidency of the Council of the EU – Report**

In the area of migration, the situation in recent years has clearly shown that the comprehensive approach to this process requires feasible solutions at pan-EU level in various areas: legal migration, illegal migration, smuggling, border management, asylum, return policy, third countries and international organizations. The Bulgarian Presidency of the Council of the EU has continued its efforts to find relevant solutions in all the above-mentioned areas.

### **9.2. General Overview**

Bulgaria continued efforts to reduce irregular migration in 2018, both by deterring it at borders and by various intra-country operations. The migratory pressure on the Eastern Mediterranean and Western Balkan routes reduced and the implemented set of government measures guarded the borders and regulated illegal migration inside the country in 2018. These kept the tendency of significant decrease the number of persons accommodated in Specialized Homes for Temporary Housing of Foreigners throughout 2018. For the second year in row since the start of migration influx (summer of 2013), the temporary accommodation establishments worked with occupancy rates close to the values reported before the crisis. Nevertheless the pressure of migrants in the country remained higher in compare to the previous year. During 2018 the competent authorities registered a total of 10 019 trials of TCNs to trespass the borders of Bulgaria, which is an increase of 25% over the same period in 2017 (8044).

The cooperation and interaction of the Bulgarian border authorities with Frontex is of a great importance in concern of the efficient counteract to illegal migration flows and to guarantee security on borders,. During the year, representatives of the Agency were detached to the Migration Directorate in support of the activities of countering illegal migration and to improve dialogue with the diplomatic missions of the countries of origin. The Frontex staff has a 2-month mandate and rotation.

The effective communication with the countries of origin has been improved by regular meetings with diplomatic representatives of Algeria, Afghanistan, Palestine, Iran, Iraq, Pakistan, Nigeria, etc. Among the discussed topics in these meetings are the facilitating of procedures for issuing travel documents, assistance in identifying illegal TCNs and other common actions to encourage voluntary return to the country of origin.

Active cooperation between the institutions continues in the comprehensive process of identification and issuance of travel documents for illegally staying TCNs from countries without any diplomatic missions in the Republic of Bulgaria.

### **9.3. Policies and Legislation**

In 2018 Bulgaria actively continued surveillance and control of irregular migration inside the country. There were many specialized police operations to detect and identify persons illegally staying at private addresses and public places. For preventing and detecting the abuse of legal migration channels, in the reported period the competent authorities systematically monitor mixed marriages if indications, facts and data showed that have been concluded for the sole purpose of circumventing the law and obtaining a residence permit. The competent services systematically collect information about citizens from the so-called risky countries about their relations with Bulgarian citizens for the purpose of residence with an aim to prevent, detect and interrupt illegal migration.

As a result of ongoing actions the data shows that in 2018 inside the country were detected totally 2168 illegally staying TCNs which is an increase of 9% in comparison with 2017.

It remains the trend of illegally staying to be mainly Iraqi and Syrian citizens, with Afghan citizens being the leading nationality of TCNs detained internally during the reported period. The increase is in the number of detained citizens of Pakistan and Turkey. Most of the illegally staying TCNs continued to be detected in Sofia City as well as in the districts of Sofia, Haskovo and Bourgas. By the beginning of March 2018 are reported 176 identified unaccompanied minors, predominantly from Afghanistan and Iraq. They were handed under the Childs Protection Act.

The control over the places of residence of TCNs in Bulgaria has been strengthened. The procedure for precautionary measures "weekly appearance in the territorial units of the Ministry of Interior" (established by the Implementation Regulations of the Foreigners in the Republic of Bulgaria Act), creates a mechanism for control of illegally TCNs who resides in hotels, hostels and guest houses.

It continues the good cooperation with the experts from Frontex Agency, whose teams since 2014 have executed screening and debriefing of the TCNs staying in the Specialized Home for Temporary Housing of Foreigners in Sofia.

Emphasis on work to counteract irregular migration is to take appropriate measures to stop or at least diminish the smuggling. In 2018 the border offices have registered 106 charges under Articles 280 and 281 of the Criminal Code<sup>49</sup> with 87 pre-trial proceedings for investigation as 17 resumed from previous years has resumed. There are 112 incriminations, mostly citizens of Bulgaria - 55, Turkey - 27, Iraq - 4, Syria - 4, Serbia - 3, Greece - 3 and others. Attempts have been made to smuggle 707 persons, mostly Iraqi citizens - 320, Afghanistan - 209, Syria - 66, Pakistan - 49, Turkey - 25, Iran - 16 and others.

Smugglers were detained in the vicinity of borderlines as follow – 37 on Turkish border, 33 on Serbian border, and on the Greek and Romanian – 21 on each.

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<sup>49</sup> Art. 280. (1) Whosoever takes across the border of the country individuals or groups of people without permit of the respective bodies of the authority or, though by a permit but not at the places determined for that purpose, shall be punished by imprisonment of one to six years and a fine of five thousand to twenty thousand levs.

(2) The penalty shall be imprisonment of one to ten years, a fine of ten thousand to thirty thousand levs and a confiscation of a part or the whole property of the perpetrator if:

1. a person who has not accomplished 16 years of age has been taken across the border;
2. the transfer has taken place without the consent of the person;
3. the person transferred across the border is not a Bulgarian citizen;
4. motor, air or other vehicle has been used;
5. the transfer has been organised by a group or organisation;
6. the transfer was carried out in a way, which was dangerous to the life of the transferred persons.

(3) The penalty shall be imprisonment of three to twelve years, a fine of ten thousand to thirty thousand levs and confiscation of a part or the entire property of the perpetrator, where the act was committed with the participation of an official, who took advantage of his official capacity.

(4) (prev. text of Para 03, suppl. - SG 74/15) In the cases of para 2, item 4 the vehicle shall be seized in favour of the state if it was owned by the perpetrator or was voluntarily provided to him.

Art. 281. (1) Whoever, with the purpose of obtaining for himself or for somebody else property benefit, illegally assists a foreigner to reside or move into the country contrary to the law, shall be punished by imprisonment of up to five years and a fine from three thousand to ten thousand levs.

(2) The penalty shall be imprisonment of one to six years and a fine of five thousand to twenty thousand levs, where the act was:

1. committed by using a motor, air or other transportation vehicle;
2. organised by a group or an organisation;
3. committed in a life-threatening manner for the person;
4. committed with regard to a person under the age of 16;
5. committed with regard to more than one person.

(3) In the cases of Para 2, Item 1, the vehicle shall be seized in favour of the state, if it was owned by the perpetrator or was voluntarily provided to him

## **10. TRAFFICKING IN HUMAN BEINGS**

### **10.1. Bulgarian Presidency of the Council of the EU – Report**

In execution of the priorities of the Bulgarian Presidency, the National Commission for Combating Trafficking in Human Beings assisted an analysis of the Western Balkan countries progress in meeting the EU criteria for combating trafficking in human beings and victim support. The analysis and follow-up actions were discussed with representatives of Union's institutions, member states and anti-trafficking coordinators from the Western Balkan countries. The discussed documents are considered to be leading by both the EU and the participating countries in the process synchronizing efforts to counteract trafficking in human beings.

Under the framework of its Presidency of the Council, Bulgaria set an objective of creating a platform for lessons learnt exchange and sharing experience in the field of countering trafficking in human beings between the European institutions, the EU Member States and the Western Balkans. Bulgaria stands as a natural leader in such a dialogue as the country began making efforts on an institutional level namely in its pre-accession process in the beginning of the previous decade.

The main priority set out in the Bulgarian Presidency programme was the clear pro-European perspective of the countries in the region and it was confirmed at the EU-Western Balkans Summit in Sofia. In this respect, two specific initiatives were carried out.

An international forum titled "The Western Balkans and the European Union: Anti-Trafficking in Southeast Europe in the Context of the Accession Process" was held in Sofia. It was attended by representatives of the Network of Anti-Traffic Coordinators of Southeast Europe, the European Commission, the Council of Europe, the Bulgarian institutions and the diplomatic corps.

Bulgaria has shared its valuable experience in the legislation, formation of institutional framework and practice in combat against trafficking in human beings and the protection of victims, accumulated in the pre-accession period, but also afterwards. This was particularly relevant given the requirements for meeting certain criteria in the EU membership negotiations that most Western Balkan countries are either leading or are about to begin. In addition, colleagues from the region had the opportunity to share with each other, but also with the EU institutions and Member States, good practices in the field of crime investigation, cooperation with the EU and care for victims. The main result from this forum was a document summarizing the situation in each of the countries (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Serbia and Montenegro) in combating trafficking in human beings (meeting the requirements of key documents such as Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA), as well as the conclusions of discussions held between the participants. The ambition of the document is to serve as a roadmap for forthcoming reforms and activities in the countries of the region but also as a reference point for the EU institutions and the Member States themselves in interaction with them.

By a Bulgarian initiative, at the regular meeting of EU Member States National Rapporteurs and/or equivalent mechanisms for combating trafficking in human beings in Brussels (13-14 June 2018) were invited representatives of the South Eastern Europe (SEE) Coordinators' Network. The event was organized by the EU Anti-Trafficking Coordinator, Dr. Myria Vassiliadou, and was co-hosted by the Bulgarian National Commission for Combating Trafficking in Human Beings (NCCTHB) as representative of the rotating presidency of the Council. The participation of representatives from the Western Balkans in this important EU format has been in line with the priorities of the Western Balkans Strategy of the European Commission of February 2018 and has helped to strengthen communication and cooperation between the countries of the region and the Union in particular in the fight against trafficking in human beings. Especially important was the ensuring of sustainability as the representatives of Austria, which took over the Presidency of the Council from



Bulgaria on July 1, committed themselves to continue the established practice and to invite the Western Balkans to the next regular meeting of the national rapporteurs in December 2018.

## **10.2. General Overview**

The National Commission for Combating Trafficking in Human Beings was established on the ground of Article 4 of the Combating Trafficking in Human Beings Act and aims to define and direct the implementation of the national policy and strategy in the field of counteracting human trafficking. As a body to the Council of Ministers, it organizes and coordinates the interaction between the various departments and law enforcement organizations. It works to prevent trafficking in human beings and to protect, recover and reintegrate victims of trafficking. The Commission annually develops and presents for approval by the Council of Ministers a National Program for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims. It establishes an organization for the investigation, analysis and statistical reporting of human trafficking data, and organizes information awareness and education campaigns for people at risk from trafficking in human beings. The Commission directs and controls the activities of local committees to combat trafficking in human beings and centers for protection and assistance to victims of trafficking in human beings. Additionally participates in international cooperation to prevent and counteract trafficking in human beings.

In 2018, the largest number of specialized services for trafficked persons worked in the Republic of Bulgaria compared to all previous years. Only the services for this target group, funded by the National Commission and run by non-governmental organizations are 8 in number. In 2017 another 3 specialized/profiled services for victims of trafficking in human beings were opened at the NCCTHB, namely the Shelter and Center for Temporary Accommodation of Adults, Victims of Trafficking in Human Beings and the Crisis Center for Children Victims of Trafficking in Human Beings. The three services are located in Sofia and have a total capacity of 20 seats.

In 2018, eight state-funded and NGO-supported specialized services for victims of trafficking in human beings operate under the umbrella of NCCTHB. These are three shelters for temporary accommodation in Bourgas, Varna and Sofia; a crisis center for children, victims of trafficking in Sofia; a shelter for subsequent reintegration in Bourgas and 3 consultative centers in Bourgas, Varna and Sofia. During the reported period the specialized services to the NCCTHB covered a total of 29 persons: 22 adults (20 women and 2 men) and 7 children. As of December 2018, there were 11 accommodated persons in all shelters.

## **10.3. Policies and Legislation**

A National Program for Combating Trafficking in Human Beings and Victim Support for 2018 was approved by the Council of Ministers at the beginning of 2018. This was the annual operational document for the implementation of the National Strategy for Combating Trafficking in Human Beings 2017-2021. The implementation of 53 activities were consisted in, including those for victim support, prevention campaigns and international activities.

Under the current National Referral Mechanism (NRM) and Assistance to Victims of Trafficking In Human Beings, as a coordinator of it, the NCCTHB's administration receives alerts on potential cases of trafficking in human beings and takes action to support and protect the victims, whether formally or informally identified, as well as persons deemed to be at increased risk of trafficking. Alerts are submitted by partner, Bulgarian and foreign institutions, intergovernmental organizations, NGOs, media and citizens on telephone lines, Commission's social networking websites, by e-mail or on-site administration. In 2018, a total of 97 alerts were received covering 155 persons, of which:



- 25 alerts are in the category Others and concern other and/or similar offenses – pornographic materials, violated labor rights, threats on Internet, suspicious job alerts, smuggling, domestic violence;
- 30 individuals of the total number of 155 persons have been formally and informally identified as trafficking victims and received support from the National Referral Mechanism.

In 2018 two external monitoring by the International Center for the Development of Migration Policies (Vienna) was carried out at the NCCTHB initiative. The one was monitoring of the NMH and the other was monitoring of specialized services for children victims of trafficking in human beings and those for subsequent long-term reintegration. The results of the monitoring are publicly available. The NCCTHB took into account main conclusions of this survey in the preparation of the National Program for Counteracting Trafficking in Human Beings and Protection of Victims for 2019.

An important focus in the activities of the Commission during the year was the specialized trainings for judges, magistrates, investigating police officers and lawyers. The trainings were conducted by more than 400 specialists (investigators, magistrates, social workers, employment agents, diplomats, consular officers, migrant officials and refugee agencies, students, etc.). They were organized independently by the Commission or in cooperation with the Ministry of Labor and Social Policy (MLSP), the State Agency for Refugees (SAR), UNODC, IOM and NGOs as Animus Association, Council of Refugee Women in Bulgaria, Demeter Association, SOS Families at Risk, Caritas. In 2018 the local units of the Commission held 27 specialized trainings with over 1040 specialists as police officers, prosecutors, social workers, pedagogues and own staff members.

Among the trainings was the joint regional exercise held in the autumn of 2018 in Sofia and organized by NCCTHB and UNODC. The focus of the event was on capacity building. A regional workshop "Enhancing Capacities and Cooperation in South East Europe in Countering Human Trafficking through Internet-based Technologies" brought together law enforcement bodies from Bulgaria, South Eastern Europe, France and the UK as well as representatives of the private sector (AirBnB, Western Union, etc.) and academia. Bulgaria as a host country was represented by the largest number of participants: four experts from the NCCTHB, two prosecutors, two judges and four investigators from the National Investigation Service and the General Directorate for Combating Organized Crime of the Interior Ministry.

Among the most important policies in preventing and combating trafficking in human beings are the preventive raising of crime awareness. In view of this, the National Campaign on Prevention of Trafficking for Labor Exploitation was launched in Bulgaria in the early March 2018. The campaign was supported by the British Embassy in Sofia and in partnership with the Amalipe Center for Interethnic Dialogue and Tolerance. Various events and initiatives were organized within the campaign, which included the organization of information meetings with students, representatives of vulnerable groups. They were carried out with the assistance of the Amalipe Center, together with the NCCTHB units in Burgas, Varna, Veliko Tarnovo and Sliven and Academy for Volunteers 2018 and others. The campaign also planned the participation of all 10 local units of the Commission in the Regional Labor Exchanges in partnership with the Employment Agency as well as the holding of round table talks.

Part of the informative and preventive actions undertaken by Bulgaria in 2018 focused on the risks of human trafficking among migrants, TCNs and persons seeking protection. In order to raise awareness among these groups, in September 2018 a training on "Victims of Human Trafficking in Refugees seeking Protected Persons and Migrants: Identification, Guidance, Support" (September 18-19, 2018) was held in Sofia. It was attended by experts from the SAR administration, its reception centers in the country, representatives from border police and migration authorities. Also there were participants from international and non-governmental organizations (social workers, mediators, translators, psychologists and medical workers), UNHCR, Red Cross, Caritas,

International Organization for Migration (IOM), Animus Association Foundation, Foundation for Access to Rights (FAR), Lumos Foundation, etc.

A national campaign for the prevention of trafficking for the purpose of sexual exploitation was launched in the summer of 2018. A round table was held within the campaign to discuss good practices for crime detection and prevention, including specific cases of Bulgarian citizens who have been trafficked for labor exploitation in Western European countries. The focus was on cases in Czech Republic as invited were social workers and mediators from Diaconia ECCB, a NGO from Czech Republic, to share how practically they assist Bulgarian citizens there. Special attention was paid to agreements between trade unions, as well as to the work of the General Labor Inspectorate.

A national campaign on the European Day Against Trafficking in Human Beings was also launched, focusing on the internet as a tool for involvement but also for the prevention of crime. The campaign started in October and continued until mid-December 2018. The main partners of the Commission were the Facebook Network, Bulgarian National Television, Sofia Municipality and Metropolitan EAD. The campaign started with an organized press conference presenting part of the developed IT products, current data on the human trafficking crime, the trends and results achieved in its response, including the joint campaign of the NCCTHB and British Embassy in Sofia.

Two thematic videos and information products were set up within the campaign to inform the general public of the risks of trafficking in human beings for sexual and labor exploitation via Internet. A platform for reporting on [www.antitraffic.bg](http://www.antitraffic.bg) was set up with practical tips on crime prevention. The videos were broadcasted on the Bulgarian National Television and on the info screens in the capital's metro within a month. Through various online and offline tools and communication channels, including social networks Facebook and Instagram, the campaign has focused public attention on tempting job ads and dating that can be fraudulently attractive at first glance but inherently at risk. The total number of active users on both social networks reached 2 332 500 people. The total number of impressions from all channels was nearly 20 million. Local initiatives from the network of NCCTHB in the country were implemented, including information sessions and meetings with vulnerable groups, students and parents, vocational trainings, etc.

In last years the international cooperation on human trafficking was accelerated also. In 2018, key staff and experts from the NCCTHB's participated in two regular meetings (June and December) of the European Union's National Rapporteurs' Network and/or equivalent mechanisms for trafficking in human beings. Meetings are hosted by the EU Anti-Traffic Coordinator to the European Commission and provide an opportunity to discuss current trends and challenges in the area of human trafficking at EU level as well as exchange best practice between Member States. NCCTHB representatives participated in some international events within the UN, OSCE, at the invitation of scientific organizations in Switzerland, Slovenia, Austria, Norway, Hungary, Belgium and others. In March 2018, a joint initiative between the Bulgarian and Swiss police and non-governmental sectors called the Action Week was held in Bern and Zurich.

## 11. RETURN AND READMISSION

### 11.1 General Overview

As a Member State with an external border of EU and consequent challenges of it, the Republic of Bulgaria stresses the priority importance to the return policy. Bulgaria is pursuing a consistent, effective and effective return policy with a focus on voluntary return, based on the understanding that return is one of the most effective tools to counteract irregular migration contributing to the good management of migratory processes in general.

In execution of its commitments in the field of return, Bulgaria has built excellent cooperation with European partners and relevant international organizations. In 2018 our country continues to participate in joint flights organized by other EU Member States and coordinated and co-funded by the Frontex Agency for the return of illegally staying TCNs. Bulgaria's cooperation with the International Organization for Migration has been strongly intensified in the successful voluntary returns.

The decline in the number of returned persons reflects the reduced migratory pressure to EU borders, and in particular Bulgaria after 2016. In 2018, a total of 894 illegally staying TCNs were returned from Bulgaria, which is down 53% from the previous year (1904). These accounted 67% of the number of TCNs assigned to return during the reported period. Out of them 332 were forced back; 80 have been voluntarily left with their own funds; 298 TCNs were in implementation of programs assisted voluntary return; 60 were convinced to leave voluntarily without coercive administrative measure; 53 individuals were returned to Member States in implementing the procedures for readmission in accordance with the Dublin Regulation and 62 TCNs were drawn up under a simplified procedure. The citizens of Iraq, Afghanistan, Turkey, Syria, Pakistan and Iran predominated among the returned TCNs.<sup>50</sup>

The remove of illegally staying TCNs is a top priority for both Bulgaria and all EU states and is a factor for the sustainable management of migration flows. The Republic of Bulgaria has a total of 36 intergovernmental agreements on the readmission. The agreements for the readmission of illegally staying persons with 4 (four) non-Schengen countries - EU Member States are with Croatia, Ireland, Romania and the UK. The readmission agreements with third-countries are ten – with Albania, Armenia, Bosnia and Herzegovina, Georgia, Kosovo, Lebanon, North Macedonia, Serbia, Ukraine and Uzbekistan.

Since Bulgaria's accession to the EU in 2007, the country has implemented the EU-third-country readmission agreements that have entered into force with Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukraine, North Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Moldova, Pakistan, Georgia, Armenia, Azerbaijan, Cape Verde and Turkey. Protocols for the implementation of readmission agreements between Bulgaria and following third countries: Russia, North Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Georgia, Moldova, Albania and Turkey have been concluded for this purpose. In 2018, the Council of Ministers approved Protocols with Ukraine and Armenia implementing the agreements between the European Community and Ukraine and Armenia for the readmission of persons residing without authorization.

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<sup>50</sup><https://www.mvr.bg/%D0%BC%D0%B8%D0%BD%D0%B8%D1%81%D1%82%D0%B5%D1%80%D1%81%D1%82%D0%B2%D0%BE%D1%82%D0%BE/programni-dokumenti-otcheti-analizi/%D1%81%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D0%B0>

The Border Police General Directorate of the Ministry of Interior, as the sole competent authority for the implementation of the readmission agreements concluded by Bulgaria or at EU level, either alone or jointly with other state bodies, has organized meetings with consular services of third countries, where questions on the timely identification of detainees and the issue of relevant travel documents are discussed in order to carry out the relevant readmission or return them to the countries of origin.

In the reported year 229 TCNs were returned upon readmission agreements. In compliance with the EU-Turkey Readmission Agreement, which successfully applies to the return of its own nationals, 68 illegally resident Turkish nationals were returned in Turkey during the reported period. For 2018, the competent authorities handled 1011 incoming applications under the normal readmission procedure (readmission) versus 630 in 2017. There is a tendency for a substantial increase in incoming requests for readmission of TCNs with granted status under the Asylum and Refugees Act, as well as for persons and family members of those with long-term residence permissions in Bulgaria. Out of 1011 incoming applications only 24 are for Bulgarian citizens.

In 2018, a total of 308 persons were deducted from Bulgaria, compared to 405 persons in 2017. Under the readmission in 2018, a total of 277 persons were returned to the Republic of Bulgaria, (compared to 401 persons in 2017) of which 224 are third-country nationals.<sup>51</sup>

## 11.2 Policies and Legislation

During the period, the successful cooperation with the Border and Coast Guard Agency (Frontex) has continued in the implementation of joint flights for the return of illegally staying TCNs in the EU. The Republic of Bulgaria joined 7 joint flights to Kosovo, Pakistan, Nigeria and Afghanistan. As a result of the operations in the country of origin 8 foreigners illegally staying in the Republic of Bulgaria were returned.

In order to increase the administrative capacity in the field of return, in 2018 the Migration Directorate and other structures of the Ministry of Interior continued to actively participate in the mission "Poseidon – Return", organized by the Frontex agency in Greece and aimed at assisting local authorities to implement the EU-Turkey Return Agreement. Bulgarian police officers took part in operations conducted by sea and air.

In 2018 an amendment was made to the Implementation Regulations for the Foreigners in the Republic of Bulgaria Act. The change aims at ensuring more effective administrative control over the TCNs with a return or expulsion order, by regulating the procedure for applying the additional precautionary measures introduced by Article 44, para. 5 of the law in December 2017.<sup>52</sup>

The amendments introduce the opportunity of applying the measure to a weekly appearance vis-à-vis in the local units of the Ministry of Interior for TCNs released from the Specialized Homes for Temporary Accommodation after the expiry of the maximum period provided by law for forced accommodation or exempt by court decision. In cases where the above category resides in

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<sup>51</sup><https://www.mvr.bg/%D0%BC%D0%B8%D0%BD%D0%B8%D1%81%D1%82%D0%B5%D1%80%D1%81%D1%82%D0%B2%D0%BE%D1%82%D0%BE/programni-dokumenti-otcheti-analizi/%D1%81%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D0%B0>

<sup>52</sup><https://www.ciela.net/svobodna-zona-darjaven-vestnik/document/2135738597/issue/5803/pravilnik-za-prilagane-na-zakona-za-chuzhdentsite-v-republika-balgariya>

accommodation places under the Tourism Act, the precautionary measure "weekly appearance in the structure of the Ministry of Interior" can be applied to them without the need of submission of documents from a third party providing accommodation and alimony of the foreigner . The purpose is to create a mechanism for control of illegally staying TCNs who are out of the Homes and are accommodated in hotels, hostels and other according to the Tourism Act and for which the control is currently hampered. In this regard, talks were conducted during the year with 84 TCNs released from the Homes due to the expiry of a maximum statutory time limit for compulsory accommodation.

For the achievement of better results in the return process in 2018, the implementation of the project "Development of the Forced Return Monitoring System" funded by the Asylum, Migration and Integration Fund (AMIF) continued. The project is implemented by the Center for the Study of Democracy and the CVE organization. In its framework has independently monitored several forced return operations organized by the Migration Directorate.

As part of the ongoing efforts to increase the effectiveness of the return policy, Bulgaria also participates in the third project implemented by the International Center for the Development of Migration Policies "Forced Return Monitoring" (FReM III).