



**ANNUAL REPORT 2020 ON MIGRATION AND ASYLUM
IN BULGARIA
NATIONAL REPORT (PART 2)**

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EXECUTIVE SUMMARY

This report aims to outline the most significant developments in the field of migration and asylum in the Republic of Bulgaria in 2020. It provides up-to-date statistics as well as an overview of legislative and policy developments.

In 2020, the efforts to harmonise national legislation with the EU law and to introduce best practices in all aspects of migration policy continued. A number of legislative amendments have been

elaborated envisaging clarification of the national provisions in the field of labour migration, international protection, Bulgarian citizenship, visa policy, as well as with regard to guaranteeing the rights of unaccompanied children in migration.

At the policy level, a National Strategy for Integrated Border Management in the Republic of Bulgaria 2020-2025 has been adopted by a decision of the Council of Ministers. A draft new migration strategy of the Republic of Bulgaria for the period 2021-2025 has also been developed, aiming at further developing policies in the field of migration and asylum. Both documents have been elaborated within the framework of the National Council on Migration, Borders, Asylum and Integration.

The global pandemic crisis related to the spread of Covid-19 has left its mark on the development of migration policies in the Republic of Bulgaria. The restrictive measures introduced have had a significant impact on the free movement of persons, the application of integration measures to the persons who have received protection and have hampered the effective implementation of return procedures for illegally staying foreigners. In connection with the state of emergency declared on 13 March 2020 (subsequently converted to an epidemic situation), the National Assembly adopted a Law aimed at regulating the emergency measures on the territory of the Republic of Bulgaria to prevent, limit and overcome the consequences of the spread and infection with the Covid-19 virus. Provisions regulating the terms and conditions of residence of foreigners during the declared state of emergency/epidemic situation and adopting an extension of the validity of documents issued to foreigners and citizens of the European Union have been adopted.

LEGAL MIGRATION

With regard to legal migration, in 2020 there was a strengthening trend towards an increase in the number of third-country nationals who have received permits for access to the Bulgarian labour market.

In order to regulate the employment of foreign citizens and legal migration, during the year proposals for legislative amendments have been drafted, envisaging the application of an uniform procedure for applying for and obtaining the relevant residence and work permit by a third-country national when there is a single document, as well as the introduction of the so-called Start-up visa.

Amendments to the regulations governing the conditions under which third-country national students who have a valid residence permit issued by another Member State have the right to mobility and may enter and reside in the territory of the Republic of Bulgaria have also been elaborated.

INTERNATIONAL PROTECTION

In the field of international protection, in 2020 the focus was on taking practical measures to improve reception conditions and to strengthen the administrative capacity of the persons working in this field and to ensure the health of asylum seekers, in the context of a complex epidemic situation. Against this background, there has been a significant increase in the number of applications for international protection over the past year, maintaining the trend for them to be submitted mainly by citizens of Afghanistan and Syria.

During the year, amendments to the Law on Asylum and Refugee have been adopted and entered into force, achieving a more complete and correct transposition of specific provisions of EU legislation in the field of international protection. Additional legal guarantees have been introduced in the implementation of the concept of a “secure third country”. The new provisions have clarified the right to appeal against administrative acts and streamlined the procedures under the Dublin Regulation. The necessary procedural guarantees have also been provided to foreigners seeking international protection, especially regarding the observance of the overriding interest of one of the most vulnerable groups of persons, namely the unaccompanied minors.

With regard to the Covid-19 pandemic, no persons have been resettled in the Republic of Bulgaria.

As an act of support and solidarity, the Republic of Bulgaria has participated in the scheme for voluntary relocation from Greece, committing to relocate a total of 70 unaccompanied minors.

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

During the reporting year, Bulgaria’s efforts to implement a targeted and consistent policy to create conditions and guarantees for the care and protection of unaccompanied minors have continued. Legislative amendments have introduced new provisions for the representation of unaccompanied minors seeking protection and provided for the possibility of conducting a medical examination to determine the age of foreign minors. The necessary procedural guarantees have been provided to foreigners seeking international protection, set out in Directive 2013/33/EU laying down standards for the reception of applicants for international protection (the Reception Directive). A mandatory procedure has been introduced to identify vulnerable groups and their special needs.

As of January 2020, the second Safe Zone for unaccompanied minors with a capacity of 138 accommodations began functioning.

INTEGRATION

In the field of integration, during the reporting period there were no developments in the national policies and legislation in terms of access to the Labour market, education, social inclusion, etc.

NGOs and international organisations working in the field of migration, as well as local authorities, continued to be active in promoting and supporting the integration of migrants.

CITIZENSHIP AND STATELESS PERSONS

In 2020, the political and legislative debates on the adoption of amendments to the Law on Bulgarian Citizenship concerning the conditions for granting citizenship to foreigners in exchange for investment continued. At the end of the year, the National Assembly adopted at first reading the draft laws submitted to the plenary hall. A common draft law has been created which is to be voted on at second reading by the National Assembly in 2021.

In the past year, the Republic of Bulgaria withdrew its reserve made under Art. 31 of the Convention relating to the Status of Stateless Persons concerning the protection against the expulsion of stateless persons. The law on the withdrawal of this reserve was promulgated and entered into force in September 2020. Proposals for legislative amendments have been drafted to expand the range of grounds for issuing a refusal to grant stateless status.

BORDERS, VISAS AND SCHENGEN

During the reporting year, the border protection activities of the Republic of Bulgaria continued to be successfully implemented. Additional measures have been taken to limit the spread of Covid-19. In order to maintain high efficiency in border surveillance in 2020, continued the deployment of police patrols along the state border, along the temporary preventing facility on the border with Turkey and in the border zone areas in depth, around checkpoints and other locations.

In order to maintain the crisis response capacity, a national action plan has been adopted in the event of increased migratory pressure on the border with Greece.

The establishment of a national unit of the European Travel Information and Authorisation System has also started.

In October 2020, after a comprehensive test conducted by EU-Lisa, Bulgaria and Romania were considered eligible for passive access to the EU VIS. In January 2021, a notification to the European Commission on behalf of Bulgaria followed.

Work has begun on amendments to the national legislation (the Law on Foreigners in the Republic of Bulgaria, the Ordinance on the Issuance of Visas and Tariff 3 on Fees) in order to transpose the amendments introduced in the EU Visa Code. Provisions have been provided for envisaging the introduction of a harmonised approach for issuing multiple-entry visas.

IRREGULAR MIGRATION AND SMUGGLING

Effective work on combating irregular migration has continued over the past year. Activities have been carried out under the Internal Security Fund to upgrade the capacity of border police officers to combat false and forged documents.

Emphasis has been placed on the numerous police operations and inspections carried out on the territory of the country for the prevention and counteraction of irregular migration and smuggling and for the establishment of cases of illegal employment of foreigners.

TRAFFICKING IN HUMAN BEINGS

In connection with the spread of Covid-19, in 2020 there was a decrease in the number of crimes related to trafficking in human beings, as well as in the number of reports of this crime. Identifying foreign nationals who were victims of trafficking in human beings throughout the country continued to be a challenge.

In this regard, during the year numerous training sessions have been conducted at national, regional and local level, as well as information campaigns to increase the capacity of specialists for

detection and early identification of potential trafficking risks and interaction in referring victims of trafficking., These included specialised training sessions for investigators, prosecutors and judges in cooperation with state institutions and non-governmental organisations.

RETURN AND READMISSION

The pandemic spread of the new SARS-CoV-2 and the worldwide restrictive measures for entry into third countries have had an impact on the implementation of return procedures, with a significant decrease in the number of foreigners returned from the Republic of Bulgaria compared to previous years.

In order to optimise the return procedures, legislative amendments have been elaborated during the reporting year aiming to improve the efficiency of the existing procedures related to the imposition of coercive administrative measures, i.e. return and expulsion.

Two draft protocols for the implementation of the EU-Belarus and EU-Serbia Readmission Agreements have been elaborated. A signed protocol between the Government of the Republic of Bulgaria and the Government of the Republic of Armenia on the implementation of the Readmission Agreement between the EU and the Republic of Armenia (in force as of 1 November 2020) has been approved by a decision of the Council of Ministers.

INTRODUCTION

This report is the 12th Annual Report on migration and asylum of the Republic of Bulgaria elaborated by the National Contact Point of the European Migration Network (EMN) in implementation of Article 9(1) and (2) of the Council Decision of 14 May 2008 establishing a European Migration Network (2008/381/EC).

The report provides an overview of the most important policy and legislative initiatives, as well as public debates, in the field of migration, integration and protection in 2020.

The purpose of this report is to inform EU institutions, national experts and the general public about the development of national policies and legislation in the field of migration.

METHODOLOGY

This report is based on data from a wide range of sources, with the aim of providing up-to-date, objective, reliable and comparable information on migration and asylum. The information has been drawn from publicly available government documents, Strategies, Action Plans, Annual Reports, other published papers, etc. Opinions and publications of non-governmental or international organisations on the topics have also been included.

The information on the legal aspects in this report relies on free sources and subscriptions to the legal information systems, as well as to the websites of the National Assembly and the institutions and organisations whose opinions are cited.

The analysis of political and legal debates is based mainly on open sources on the Internet, print and electronic newspapers, as well as public statements by ministers and other government officials.

TERMS AND DEFINITIONS

The terminology used in the report is based on the Glossary of the European Migration Network. The individual terms that refer in particular to the Bulgarian law are usually supplemented by explanations in the text itself or in footnotes.

OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

POLITICAL CONTEXT

For Bulgaria, 2020 was a controversial year. The main focus was common to all the countries in the world, i.e. the Covid-19 pandemic. The situation in the country has been changing dynamically – ranging from protests, reshuffles at the highest level of the State hierarchy, to difficulties for the economy and crisis management.

The Covid-19 pandemic growing around the world led to the declaration of a state of emergency on the territory of the Republic of Bulgaria, which entered into force on 13 March. The first so-called “Lockdown”, together with the accompanying measures and restrictions, has been perceived relatively calmly by the Bulgarian society. At the end of May 2020, the state of emergency was replaced by an “extraordinary epidemic situation” that lasted throughout the rest of the year. The management of the health crisis inevitably has been going through the imposition and revocation of restrictive measures and regulations, which logically outlined an impending economic crisis.

The second half of the year witnessed national protests with declining intensity, with demands for the resignation of the government and the Prosecutor General of the Republic of Bulgaria, as well as for a complete change of the governing model in the country.

There were a number of shifts at the top of the executive branch. At the beginning of the year, the Minister of Environment and Water was dismissed. In the summer, the reshuffles reached, respectively, the Ministries of Finance, Health, Economy, Interior, Tourism and Justice.

The topic of the Bulgarian-Macedonian relations has shifted from the field of history to the field of politics. Bulgaria has opposed its neighbour’s theses, blocking the start of EU accession talks with North Macedonia.

In the light of the forthcoming parliamentary and presidential elections, the need to convene a Grand National Assembly and draft a new Constitution has been the subject of public debates. The idea was proposed by the ruling coalition but it did not obtain the necessary support in the National Assembly.

Several new formations have appeared in the political life, the most popular of which “There Is Such A People” is a project of the long-time TV presenter Slavi Trifonov.

The undisputed success for Bulgaria was the positive assessment of the country by the European Commission and the ECB, which paved the way for the Bulgarian lev to a transition to the euro within the ERM II mechanism.

INSTITUTIONAL FRAMEWORK AND STRUCTURE OF THE LEGAL SYSTEM IN THE FIELD OF MIGRATION AND ASYLUM

In 2020, the structure of state institutions responsible for implementing migration and asylum policies remained unchanged..

The work of the National Council on Migration, Borders, Asylum and Integration (NCMBAI), which is an advisory body formulating national policies in the field of migration, asylum and integration, continued. The Council develops, updates and proposes to the Council of Ministers

(CoMin) strategic documents in the field of migration, borders, asylum and integration, as well as annual plans for implementation of strategic documents, reports on their implementation, as well as measures to increase efficiency in migration, borders, asylum and integration. It coordinates the activities of state authorities, local self-government bodies and local administration, non-governmental and international organisations on the territory of the country in defining and implementing the policy in the field of migration, borders, asylum and integration and in the implementation of the relevant policies.

There are three strategic working groups functioning within NCMBAI:

- the Strategic Working Group “Integrated Border Management” – within which the National Strategy for Integrated Border Management, adopted in 2020, and a plan for its implementation have been elaborated.
- the Strategic Working Group “Migration Policies”, which developed a draft of a new migration strategy of the Republic of Bulgaria for the period 2021 – 2025.
- the Strategic Working Group “Coordination of the preparation of the Republic of Bulgaria for the implementation of the interoperability of information systems”.

During the reporting year, an Action Plan for 2020 for the implementation of the National Strategy in the field of asylum, migration and integration 2015-2020 has been elaborated. It was approved by the Council of Ministers by Protocol No. 39 of 24 June 2020¹. The document envisages the implementation of 34 strategic goals, 11 of which are aimed at the integration of persons who have received international protection in the Republic of Bulgaria. All measures of the Plan have been implemented, one of which is no longer necessary, given the spread of Covid-19.

In 2020, the elaboration of a new migration strategy of the Republic of Bulgaria has begun. It shall contribute to the development of a sustainable national migration policy, which, through well-managed migration, shall facilitate border crossings, ensure that labour migration responds to the needs of the labour market. It shall also guarantee the needs of the applicants for international protection and further develop the European and international cooperation. The Migration Strategy offers medium-term perspectives for development, takes into account the current situation in the country and in Europe and offers a vision capable of responding to the dynamics of migratory processes. Emphasis has also been placed on policy development and migration management in a crisis or emergency situations, including situations caused by increased migratory pressure, natural disaster or man-made accidents. The document was adopted by Decision No. 256 of the Council of Ministers of 25 March 2021².

The main laws related to the implementation of the asylum and migration policy in Bulgaria are:

¹ <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=963>

² National Strategy on Migration of the Republic of Bulgaria https://mvr.bg/docs/default-source/strategicheskidokumenti/%D0%BD%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%B0-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%8F-%D0%BF%D0%BE-%D0%BC%D0%B8%D0%B3%D1%80%D0%B0%D1%86%D0%B8%D1%8F-%D0%BD%D0%B0-%D1%80%D0%B5%D0%BF%D1%83%D0%B1%D0%BB%D0%B8%D0%BA%D0%B0-%D0%B1%D1%8A%D0%BB%D0%B3%D0%B0%D1%80%D0%B8%D1%8F-2021---2025-%D0%B3.pdf?sfvrsn=c2951dba_2

the Law on Asylum and Refugees³, the Law on Bulgarian Citizenship⁴, the Law on Bulgarian Personal Documents⁵, the Law on Combating Trafficking in Human Beings⁶, the Law on Employment Promotion⁷, the Law on Labour Migration and Labour Mobility⁸, the Law on Entry, Residence and Leaving of the Republic of Bulgaria on citizens of the European Union and their family members⁹, the Law on Foreigners in the Republic of Bulgaria¹⁰, the Penal Code (regarding penalties for irregular migration and trafficking in human beings)¹¹, the Law on Recognition of Professional Qualifications¹², regulatory provisions, organic regulations of the competent authorities, as well as the legislation on health, education and other areas setting out specific provisions for migrants.

The past 2020 was characterised by a strong willing to improve national legislation and bring it in line with the EU law. The significant changes were as follows:

- **Law amending the Law on Asylum and Refugees (SG No. 89/20)**, which eliminated the gaps in the national system for granting international protection and specified the provisions in accordance with the recommendations of the European Commission, given the started infringement proceedings;
- **Law withdrawing of the reserve made by the Republic of Bulgaria under Art. 31 of the Convention Relating to the Status of Stateless Persons adopted in New York on 28 September 1954 (SG No. 83 of 25 September 2020)**¹³ - the law was adopted because the reservation was out of date.
- **Law on the measures during the state of emergency announced by a decision of 13 March 2020 of the National Assembly (SG No. 28 of 24 March 2020)**, regulating the conditions and procedure for entry and residence in the country of foreigners and EU citizens during the declared state of emergency/extraordinary epidemic situation.

Proposals for a number of legislative amendments have been elaborated (to the Law on Foreigners in the Republic of Bulgaria, the Law on Bulgarian Citizenship and relevant amendments to the Law on Labour Migration and Labour Mobility, the Law on Employment Promotion, the Law on Entry, Residence and Leaving of the Republic of Bulgaria by Citizens of the European Union and their family members, the Law on Bulgarian Personal Documents, as well as to the Ordinance on the terms and conditions for issuing visas and determining the visa regime and to Tariff № 3 on fees collected for consular services in the system of the Ministry of Foreign Affairs under the Law on State Fees). These included a wide range of issues related to:

- The introduction of a uniform procedure for granting a residence and work permit;

³ Law on Asylum and Refugees, <https://lex.bg/laws/ldoc/2135453184>

⁴ Law on Bulgarian Citizenship, <https://www.lex.bg/laws/ldoc/2134446592> .

⁵ Law on Bulgarian Personal Documents, <https://www.lex.bg/laws/ldoc/2134424576>

⁶ Law on Combating Trafficking in Human Beings, <https://www.lex.bg/laws/ldoc/2135467374>

⁷ Law on Employment Promotion, <https://lex.bg/laws/ldoc/-12262909>

⁸ Law on Labour Migration and Labour Mobility, <https://www.lex.bg/bg/laws/ldoc/2136803084>

⁹ Law on Entry, Residence and Leaving of the Republic of Bulgaria on citizens of the European Union and their family members, <https://www.lex.bg/laws/ldoc/2135535758>

¹⁰ Law on Foreigners in the Republic of Bulgaria, <https://www.lex.bg/laws/ldoc/2134455296>

¹¹ Penal Code, <https://www.lex.bg/laws/ldoc/1589654529>

¹² Law on Recognition of Professional Qualifications, <https://lex.bg/laws/ldoc/2135579101>

¹³ <https://www.lex.bg/bg/laws/ldoc/2137205693>

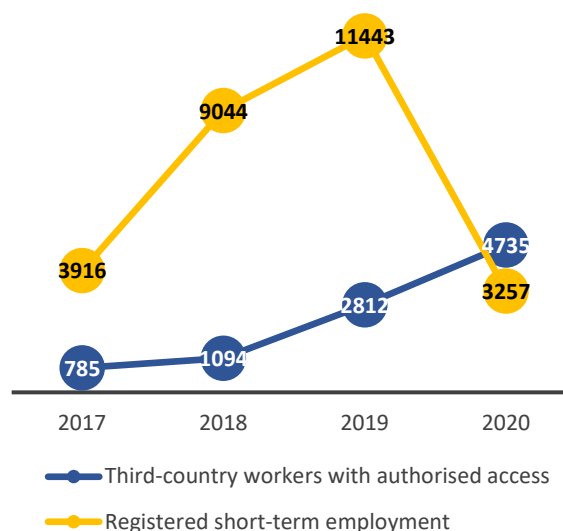
- Determining the conditions and procedure for entry and residence in the Republic of Bulgaria of students – citizens of third countries who have a valid residence permit issued by another Member State.
- Clarification of the grounds for obtaining Bulgarian citizenship in exchange for investments.
- Expanding the range of grounds for refusing to grant stateless status.
- Unification of the period of stay and establishment of a more systematic and harmonised issuance of multiple short-term visas with a longer validity period for *bona fide* regular travellers who intend to visit the country for tourism.
- Amendment of existing provisions relating to the imposition of coercive administrative measures, i.e. “return to the country of origin, a country of transit or a safe third country” and “expulsion”.

1 LEGAL MIGRATION

WORK-RELATED MIGRATION; STATISTICS AND TRENDS

In 2020, the implementation of the policy of a balanced reception of third-country nationals for the purposes of employment has continued, taking into account the needs of the national labour market and by applying the provisions of the Law on labour migration and labour mobility.

During the reporting period, 4,735 workers – citizens of 65 third countries – were allowed access to the Bulgarian labour market¹⁴. There is an increase of 68% compared to 2019. Despite the Covid-19 pandemic, the trend of increasing the number of issued permits for access to the Bulgarian labour market remains. The main reason for this is due to the fact that the applications submitted in 2020 and the issued decisions for employment were mainly related to the implementation of large-scale infrastructure projects on the territory of the Republic of Bulgaria.



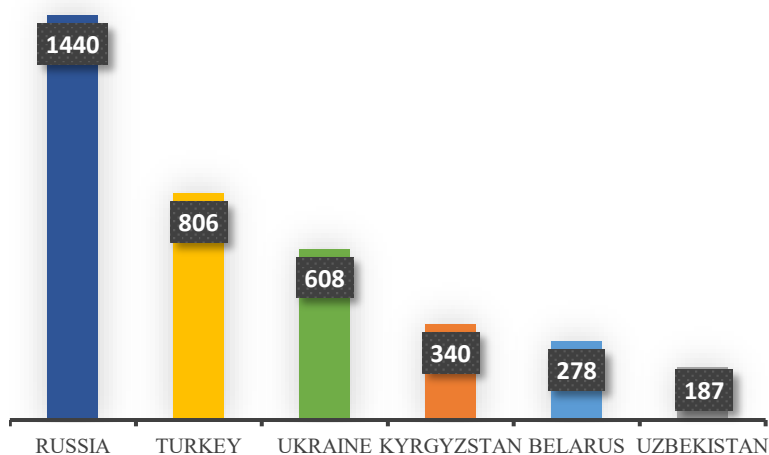
A total of 1,776 decisions on relocation of intra-corporate transferees have been enacted, a drastic increase compared to 2019 being reported when only 38 decisions had been issued. Also, a total of 1,207 decisions for employment of foreigners have been granted in connection with the issuance of a “Single Residence and Work Permit”.

In 2020, 533 third-country nationals received a decision by the Employment Agency for highly qualified employment in connection with the issuance of an EU Blue Card. Citizens of the Russian Federation, Ukraine, the Republic of Turkey, Cuba and India prevail. The professions are: IT specialists, engineers, managers and others. There is a trend to increase the number of applications for change of employer by foreigners who are holders of an “EU Blue Card” for the purposes of highly qualified employment. The reasons are related to the increase in unemployment in the country as a result of the Covid-19 pandemic.

A total of 617 work permits have been issued to seconded persons and 602 decisions in connection with the issuance of a “Seasonal Worker Permit”.

In 2020, 40 decisions have been issued refusing access to the labour market to third-country nationals. There is a trend to increase the number of refusals, which is mainly related to the increased number of applications for employment submitted during the reporting period by foreigners who do not meet the requirements of the legislation on employment of foreigners.

¹⁴ Report on the 2020 Action Plan of the Employment Agency <https://www.az.government.bg/pages/otchet-za-deinostta-na-az/>



Most decisions for access to the labour market have been provided to citizens of the Russian Federation – mainly construction workers, secondary technical staff, seconded specialists, engineering and technical staff; followed by citizens of the Republic of Turkey – as seconded specialists, engineering and technical staff, secondary technical staff, seasonal workers; Ukraine – mainly seasonal workers, engineering and technical staff, construction workers, seconded specialists; Kyrgyz Republic – mainly seasonal workers

and workers in the processing industry; Republic of Belarus – secondary technical staff, construction workers; Republic of Uzbekistan – seasonal workers, construction workers, workers in sports clubs, and other countries.

In 2020, a short-term employment of 3,257 third-country nationals was recorded, of which 2,513 were seasonal workers up to 90 days in the accommodation and food and agricultural sectors; 493 were seconded up to 90 days under service contracts and 251 were persons of Bulgarian origin (mostly citizens of Moldova and Ukraine).

Regarding seasonal employment of up to 90 days, compared to 2019, in 2020, there was a sharp decrease by 78% in the number of declarations submitted by employers for the registration of seasonal work. The reasons were related to the termination of activities in the accommodation and food sector, due to the declared epidemic situation. Seasonal employment of up to 90 days has been recorded for citizens of 21 third countries, mainly from the Ukraine, the Republic of Moldova, the Republic of North Macedonia, Turkmenistan and Kyrgyzstan.

In October 2020, the Employment Agency, together with the State e-Government Agency, created an opportunity for administrative services related to the registration and permit regimes (i.e. “Permit for freelance activities by a foreigner”; “Registration of employment of third-country nationals”; “Registration and provision of certificates to private companies for employment mediation” and “Registration and provision of certificates to companies providing temporary employment”) to be provided as electronic administrative services.

Given the state of emergency declared at the beginning of the year aiming at limiting the spread of Covid-19, no new intergovernmental agreements have been concluded during the year on the regulation of labour migration.

As a result of the expressed interest by the Republic of Albania and Turkmenistan and an advisory procedure, by a protocol decision of the Council of Ministers, according to Protocol No 8 of 27.02.2020¹⁵, the draft texts of the **Agreement between the Government of the Republic of**

¹⁵ <https://www.gov.bg/bg/prestentar/zasedaniya-na-ms/dneven-red-na-zasedanieto-na-ministerskiya-savet-na-27-02-2020-g>

Bulgaria and the Government of the Republic of Albania on regulation of the labour migration and the **Agreement between the Government of the Republic of Bulgaria and the Government of Turkmenistan** on regulation of the labour migration as a basis for negotiations were respectively approved. The Minister of Labour and Social Policy was authorised to conduct the negotiations and sign these Agreements on behalf of the Government of the Republic of Bulgaria. Accordingly, by orders, the Minister of Labour and Social Policy determined the nominal composition of the Bulgarian delegation for the negotiations with Albania and Turkmenistan.

To date, Bulgaria has signed Agreements on regulation of the labour migration with Armenia, Moldova and Georgia, which have already entered into force. Negotiations are underway to sign such agreements with Ukraine and Belarus, as well. A mandate has been taken to negotiate and conclude Bilateral Agreements with Azerbaijan, Kyrgyzstan and Uzbekistan.

LEGISLATIVE DEVELOPMENTS

In 2020, measures have been taken to harmonise national legislation with the EU law.

At first reading in the National Assembly, a draft law amending the Law on Foreigners in the Republic of Bulgaria has been adopted¹⁶, which aims to refine national legislation on a wide range of topics, including in the field of legal and labour migration. The draft law has been adopted in a second vote at the end of February 2021 and has been promulgated in State Gazette No 21 of 12 March 2021.¹⁷

The new texts provide for the full implementation of Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. The draft law provides for a single application procedure resulting in a combined act which includes a residence permit and a work permit in one administrative act. This development was initiated in connection with a request from the European Commission on the Information Phase of EU Pilot (2018) 9380 on the proper transposition of the Directive.

As Directive 2011/98/EU is a framework directive and a model for establishing rules and procedures for residence, which was subsequently enshrined in more recent EU legal instruments in the field of legal migration, it is envisaged to specify other provisions of the Law on Foreigners in Republic of Bulgaria transposing Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers and Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, again with the aim to set out a single residence and work procedure.

The proposed draft law envisages the submission of an application for and the obtaining of a **Single Residence and Work Permit** to be carried out before a single entity – the Migration

¹⁶ Draft Law amending and supplementing the Law on Foreigners in the Republic of Bulgaria, and motives <https://www.parliament.bg/bg/bills/ID/163303/>

¹⁷ State Gazette No 21 of 12 March 2021.

<https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=156354&fbclid=IwAR0fNwPNA6FIImfDAhss7NRyUSNazU9En8MFvu6QaWEQLHtK-L3MwisWJGnA>

Directorate at the Ministry of Interior. The procedure for coordination of the submitted applications with the competent national authorities engaged in permitting of residence to foreigners on the territory of the Republic of Bulgaria and the provision of access to the labour market to this category of persons have been set out in detail. This will reduce the administrative burden for foreigners applying for a single residence and work permit, as well as for their employers, in line with the Commission's recommendations. The application for issuance of a prolonged residence and work permit shall be submitted by the employer or by a person authorised by him, or personally by the foreigner.

The Migration Directorate shall submit electronically to the Employment Agency and the State Agency for National Security the received applications for issuance of a single residence and work permit, together with the accompanying documents, which are implicitly regulated in the draft law, for coordination and submission of an opinion.

The proposed draft law also refers to the administrative penal provisions in cases of non-fulfilment of the employer's obligation to notify the Migration Directorate upon termination of the employment relation with foreigners, as well as upon admission of foreigners who are not holders of a residence document, but only of a visa.

The provisions concerning the conditions and procedure for entry and stay of third-country nationals within the framework of an **intra-corporate transfer** (Art. 33π of the LFRB), a **seasonal employment** (Art. 24κ of the LFRB) and for the purposes of **highly qualified employment** (Art. 33κ) have been additionally described in detail. An accelerated procedure for accepting and granting the right of residence has been introduced, by regulating the procedure for submitting all the required documents in a single administration. An electronic process of coordinating the applications for issuance of residence and work permits with the competent authorities has been introduced.

A deadline for submitting the application for renewal of the term of issued **permit for prolonged-term residence and work type “EU Blue Card”** has been introduced, i.e. 30 days before the expiration of the residence, the application being also signed by the employer. The draft law provides for that in the first two years of highly qualified employment, the holders of the EU Blue Card may be able to carry out activities that meet the conditions under which it was issued only on the territory of the Republic of Bulgaria. The right to unemployment benefits by such persons has also been limited, as it is now admissible once within the validity period of the Blue Card.

The procedure for applying for, issuing and obtaining each type of residence and work permit has been described in detail, and for this purpose the necessary amendments have been introduced to the Law on Labour Migration and Labour Mobility, the Law on Entry, Residence and Departure of the Republic of Bulgaria of the Citizens of the European Union and the Members of Their Families, the Law on Bulgarian Personal Documents, the Law on Employment Promotion, etc.¹⁸

Further simplification of the conditions for access to the labour market of foreigners has been provided for, by: abolishing the preliminary labour market survey – the so-called “Market test”;

¹⁸ Transitional and final provisions of the Law on Foreigners in the Republic of Bulgaria, SG No. 21 of 12 March 2021.

<https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=156354&fbclid=IwAR0fNwPNA6FImfDAhs7NRyUSNazU9En8MFvu6QaWEQLHtK-L3MwisWJGnA>

reducing the administrative deadlines; eliminating the state fees to the Employment Agency; exchanging information between the competent authorities ex officio, etc.

In connection with the legislative amendments to the Law on Bulgarian Citizenship elaborated during the year (and adopted by the National Assembly at the end of February 2021 and promulgated in SG No. 21 of 12 March 2021¹⁹), additional amendments to the Law on Foreigners in the Republic of Bulgaria have been proposed, providing for the introduction of the so-called **Start-up visa**²⁰. It has been proposed to create a new Art. 24π, according to which prolonged-term residence permits may be obtained by foreigners who are holders of a certificate issued by the Ministry of Economy for a high-tech and/or innovative project, called “Start-up Visa”, and who, after the issuance of a long-stay visa type “D”, have become partners or shareholders in a Bulgarian commercial company. For this purpose, they shall also hold not less than 50 per cent of the capital of that company, the subject of activity of which is the one declared at the issuance of that certificate.

A requirement was introduced that the Ministry of Economy shall immediately notify the Migration Directorate with the Ministry of Interior of any change in circumstances under the certificate of high-tech and/or innovative project, leading to a failure to comply with the requirements for issuance of that certificate. This shall represent grounds for revocation of the granted right of residence.

RESEARCH ON WORK-RELATED MIGRATION

In 2020, an extensive study was published, headed “**Temporary home or final destination? Situation of migrant workers in Bulgaria**”²¹. It analyses the trends of labour migration in Bulgaria and the situation of migrant workers arriving through the entry points of the employment agencies and the international higher education programmes. The study was elaborated by Multi Kulti Collective as part of the project “The point of view of foreign workers in Bulgaria, Hungary, Poland and Romania”²². The report also provides a brief overview of the political, economic and demographic situation in Bulgaria over the last decade, the legislation and policies for migrants' access to the labour market. An analysis of the experience of migrants in terms of education, work and life in Bulgaria has been provided on the basis of interviews with third-country nationals established in the country. The situation of foreign nationals of Bulgarian origin has also been examined, as a simplified admission regime and targeted programmes have been applied for this category of persons, making them differ from other foreign students.

STUDENTS AND RESEARCHERS

The draft law amending and supplementing the Law on Foreigners in the Republic of Bulgaria adopted at first reading²³, sets out provisions aiming to clarify the rules governing the conditions

¹⁹ SG No. 21 of 12 March 2021.

<https://dv.parliament.bg/DVWeb/showMaterialDV.jsp;jsessionid=5AE39909D95B055A401DF2C098A1547E?idMat=156355>

²⁰ Draft report on the second vote on a common draft law amending the Law on Bulgarian Citizenship

<https://www.parliament.bg/bg/parliamentarycommittees/members/2577/reports/ID/12184>

²¹ A Study “Temporary home or final destination? Situation of migrant workers in Bulgaria” <https://library.fes.de/pdf-files/bueros/budapest/17069.pdf>

²² Information on the project: <http://multikulti.bg/bg/projects/rabotnicite-migranti>

²³ SG No. 21 of 12 March 2021.

<https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=156354&fbclid=IwAR0fNwPNA6FImfDAhss7NRyUSNazU9En8MFvu6QaWEQLHtK-L3MwisWJGnA>

under which third-country national students holding a valid residence permit issued by another Member State, are entitled to mobility and may enter and reside on the territory of the Republic of Bulgaria in order to conduct part of their studies at a university in the country. Permanent residence permit for the period of study, but for not more than two years, may be obtained by foreign students who will conduct part of their studies on the territory of the Republic of Bulgaria and who have a valid residence permit issued by another EU Member State and are covered by an EU programme or a multilateral programme providing for training in more than one Member State, or by an agreement between two or more higher education institutions, at least one of which is Bulgarian. They shall also be entitled to enter and stay in order to conduct part of their higher education from one or more other Member States.

It is envisaged that the right to enter and reside on the territory of the Republic of Bulgaria may be exercised only on the basis of a notification from the second Member State and not to be subject to a permit regime.

The draft law sets out those third-country national students who complete their education in the Republic of Bulgaria shall be able to continue working in the country without being necessary to leave its territory in order to obtain a long-stay visa. In these cases, after completing his/her studies as a full-time student at a higher school in the Republic of Bulgaria, a foreigner who has received a prolonged-term residence permit in the country may obtain a prolonged-term residence permit for up to 9 months after submitting an application by means of a standard form in accordance with the regulations for application of the law at least 30 days before the expiration of the permitted period of residence.

FAMILY REUNIFICATION AND FAMILY FORMATION

Between the first and second readings in the National Assembly, the provisions setting out the procedure for family reunification of foreigners holding a residence permit, to be shifted from the Rules Implementing the LFRB to the law itself, were dropped²⁴.

OTHER ASPECTS OF LEGAL MIGRATION.

In connection with the spread of the then recently appeared SARS-CoV-2, on 13 March 2020, the National Assembly of the Republic of Bulgaria declared a state of emergency throughout the national territory, with effect from 13 March to 13 April 2020. The National Assembly mandated the Council of Ministers to take all necessary measures to control of the epidemic crisis. The state of emergency was extended until May, and subsequently turned into an epidemic situation which has continued by the end of the reported period.

In order to set out the emergency measures on the territory of the Republic of Bulgaria to prevent, limit and overcome the consequences of the spread and infection with the Covid-19 virus, a Law on Measures and Actions during the State of Emergency announced by a Decision of the National Assembly of 13 March 2020 and on overcoming the consequences was adopted²⁵. With amendments to the Law of May 2020, provisions have been set out aimed at overcoming the consequences of the declared state of emergency. The proposed provisions provide for changes in a number of legislative acts, including the Law on Foreigners in the Republic of Bulgaria and the Law

²⁴ Transcript of plenary session: <https://www.parliament.bg/bg/plenaryst/ns/51/ID/10549>

²⁵ Law on Measures during the State of Emergency announced by a Decision of the National Assembly of 13 March 2020, and motives <https://www.parliament.bg/bg/bills/ID/157379>

on Bulgarian Personal Documents, regarding the terms and conditions of entry and residence of third-country nationals and EU Citizens in the period of declared state of emergency and renewal of issued residence documents.

Paragraph 10 of the transitional and final provisions of the Law on Emergency Measures introduced the possibility of extending by 6 months the period of validity of residence documents issued to foreigners and EU citizens and their family members. The amendments to this Law, which entered into force on 31 October 2020, provide for this to apply to documents expiring in the period between 13 March 2020 and 31 January 2021. The purpose of this legislative change is to significantly limit the accumulation of a large number of persons in the premises for administrative services to citizens and to minimise the risk of spreading the Covid-19 virus on the territory of the Republic of Bulgaria. For the period of extension, the documents were considered valid documents for residence only on the territory of the country and certified only the right of residence. At the request of the interested person, a new residence document may have been issued before the expiration of the extended 6-month period of validity.

By amendments to the Law, promulgated in SG No. 98 of 2020, the possibility for extension of the residence by three months of the persons who have entered the territory of the Republic of Bulgaria under the conditions of visa-free regime for short-term residence, as well as of the persons who have entered with a short-stay visa, has been created. They have been given the opportunity to apply for an extension of the allowed period by three months for humanitarian reasons or due to extraordinary circumstances.

With the transitional and final provisions of the same Law, a new paragraph 13 of Art. 24 of the Law on Foreigners in the Republic of Bulgaria was set out²⁶, which regulates the terms and conditions for entry and residence in the Republic of Bulgaria of foreigners with permitted prolonged-term residence during and within 9 months after the declared state of emergency. A foreigner with a permitted prolonged-term residence in the Republic of Bulgaria, whose period of residence expires during a declared state of emergency or within 9 months after the lifting of the state of emergency, may submit an application for extension of the stay within 9 months after the lifting of the state of emergency. This period shall not be considered an interruption when the foreigner submits an application for long-term or permanent residence. A prolonged-term resident foreigner whose permitted prolonged-term residence expires during a declared state of emergency or within 9 months after the lifting of a declared state of emergency, may enter the territory of the Republic of Bulgaria without a long-stay visa up to 9 months after the lifting of the state of emergency.

Supplements have been made also to Art. 40, Para. 1, point 6 of the Law on Foreigners, concerning the conditions for revocation of the right of residence of foreigners who have been granted a long-term or permanent residence in the period of the declared state of emergency, respectively the extraordinary epidemic situation. The absence from the territory of the EU Member States of a foreigner who has obtained a long-term or permanent residence permit for the duration of a declared state of emergency, shall not be considered as absence for a period of 12 consecutive months.

²⁶ Law on Foreigners in the Republic of Bulgaria <https://www.lex.bg/laws/ldoc/2134455296>

2 INTERNATIONAL PROTECTION

2.1 STATISTICS AND TRENDS

The extraordinary situation related to the spread of Covid-19 also affected the situation in the field of asylum and the granting of international protection.

As a result of the epidemic crisis, in the first half of 2020, before the State Agency for Refugees with the Council of Ministers, 56% fewer applications for international protection in the Republic of Bulgaria were submitted, compared to the same period in 2019. However, in the second half of the year, there is a significant increase in their number, as for the whole of 2020 a total of 3,525 applications for international protection were registered, or 63% more than in 2019.²⁷

In October and November 2020, the accommodation capacity of the territorial units of the State Agency for Refugees was filled to 21%, such high accommodation rate not being observed since the autumn of 2017.

Applications for international protection in the Republic of Bulgaria continued to be submitted mainly by citizens of Afghanistan (49%), Syria (31%), Iraq (7%) and Pakistan (2%). In 2020, there was an increase in the number of Moroccan citizens seeking protection in the country, i.e. 3% of the total. The profile of the persons seeking protection in the Republic of Bulgaria remained unchanged – mainly men aged between 18 and 34 years.

International protection was granted to 821 third-country nationals, with an increase of 71% compared to 2019. Refugee status was granted to 105 of the foreigners who have applied and received international protection in the Republic of Bulgaria in 2020. A humanitarian status was granted to 716 persons.

Information on asylum seekers and the decisions taken							
Reporting year	Number of persons seeking protection	Refugee status granted	Humanitarian status granted	Refusal	Stayed procedure	Ceased procedure	Total number of decisions
2020	3,525	105	716	1,374	398	452	3,045
2019	2,152	181	300	1,134	1,041	817	3,473
Trend	Increase by 63%	Decrease by 42%	Increase by 138%	Increase by 21%	Decrease by 61%	Decrease by 80%	Decrease by 12 %

As a result of the spread of Covid-19, during the reporting period, there was a decrease by 38% compared to 2019, in the number of requests for readmission and taking charge, received under the Dublin III Regulation. A total of 1,904 requests for incoming transfers were received, maintaining the trend of being them sent mainly by France (705 requests), Germany (378 requests) and Austria (226 requests). In 2020, there was a relative increase in the number of requests received from the United Kingdom – a total of 180.

²⁷ Report on the activity of the State Agency for Refugees with the Council of Ministers for 2020: <https://www.aref.government.bg/sites/default/files/uploads/docs2021-03/%D0%93%D0%9E%D0%94%D0%98%D0%A8%D0%95%D0%9D%20%D0%94%D0%9E%D0%9A%D0%9B%D0%90%D0%94%20%D0%9D%D0%90%20%D0%94%D0%90%D0%91%20%D0%97%D0%90%202020%20%283%29.pdf>

In 2020, a total of 116 outgoing requests were sent to other EU Member States. Individual requests have been sent to Member States for the transfer of persons belonging to a vulnerable group (mostly unaccompanied foreign children). A total of 24 persons have been transferred after a 14-day quarantine and a negative PCR test.

Priority was being given to improving the conditions for accommodation of asylum seekers in the centres of the State Agency for Refugees, while respecting their specific needs and requirements.

In 2020, 8 projects were implemented under the Asylum, Migration and Integration Fund, the AMIF emergency response mechanism and the Norwegian Financial Mechanism, aimed at implementing key activities related to the international protection procedure, improving the material and technical conditions in the territorial divisions of the State Agency for Refugees and increasing the national capacity in the field of asylum. Disinfectants and personal protective equipment were provided in connection with the spread of Covid-19 and the measures taken at the national level to limit it. Activities were carried out on a daily basis to provide better conditions for applicants for international protection, accommodated in the territorial divisions of the Agency, in terms of providing psychological assistance, social mediation, activities for adaptation and provision of social support and providing two-way interpretation services to applicants for international protection.

2.2 EFFECTIVE COOPERATION WITHIN THE COMMON EUROPEAN ASYLUM SYSTEM

The Republic of Bulgaria continued to participate actively and to contribute to the elaboration of positions on the legislative proposals concerning the reform of the Common European Asylum System.

In January 2020, Bulgaria presented a non-paper on migration and asylum issues.

The European Commission proposal for a new Pact on Migration and Asylum, presented on 23 September 2020, marked the beginning of a new stage in the discussions on the reform of the Common European Asylum System. Within the negotiation process, in the last quarter of 2020, national experts presented and defended the Bulgarian position in the working groups of the Council of the EU.

In 2020, the State Agency for Refugees took part in two meetings of the Preparatory Group of the EASO Management Board (until the expiration of the mandate of the Republic of Bulgaria) and in three meetings of the EASO Management Board. Experts from the State Agency also took part in the work on the EASO pilot project “Guidelines for countries of origin” for the development of guidelines for Afghanistan and Iraq.

Over the past year, due to the complicated international situation caused by Covid-19, the participation of experts in EASO operations in Italy, Greece and Cyprus was suspended. However, the Republic of Bulgaria stated its readiness to continue providing support to the Agency by posting Bulgarian expert staff to normalise the situation and resume the operations.

2.3 LEGISLATIVE DEVELOPMENTS

In October 2020, a Law amending the Law on Asylum and Refugees was adopted²⁸. It clarified the national provisions in the field of international protection, bringing them in line with the European legislation and the recommendations of the European Commission. The amendments were aimed at eliminating the gaps in the Bulgarian legislation, in view of the infringement proceedings No. 2015/0363 initiated against the Republic of Bulgaria (*under Directive 2013/32/EU on common procedures for granting and withdrawing international protection/the Procedure Directive*) and No. 2018/2123 (*under the Procedural Directive and under Directive 2013/33/EU laying down standards for the reception of applicants for international protection/the Reception Directive*).

Legislative amendments have clarified the definitions of “safe country of origin” and “safe third country”. Additional legal guarantees have been introduced into the national law when applying the concept of a “safe third country”, as provided for in the Procedure Directive. It has been envisaged to examine the existence of a connection between the foreigner and the relevant safe third country, with an individual security check in the country for the respective applicant. The obligation to properly inform the applicant when a country is considered safe has been introduced, as well as guarantees for access to a procedure in case the foreigner is not admitted to the territory of the third country concerned. The fact that the foreigner comes from a “safe third country” has been added as a condition for rejecting the application for international protection as manifestly unfounded, provided that the foreigner will be admitted there.

The new provisions have clarified the right to appeal against administrative acts and streamlined the procedures concerning the proceedings for determining the state responsible for examining an application for international protection under Regulation (EU) 604/2013 (the Dublin Regulation).

In accordance with the recommendations of the European Commission, a provision of the Procedure Directive has been transposed, which stipulates that in case of non-admission of a subsequent application, the court shall rule at the request of the foreigner or ex officio on the right of the asylum seeker to continue staying in the country until the consideration on the application.

In order to bring national asylum practices in line with the relevant European acts, the opportunity of staying the procedure for granting international protection as a stage in the procedure was dropped, and two new grounds for suspending the procedure for granting international protection were introduced: unequivocal renunciation of the person to be recognised as a person with international protection or death. It is possible not to terminate the proceedings under certain conditions and to reject the application for protection as unfounded by an individual administrative act subject to judicial review following the relevant consideration, after assessing all relevant facts, documents and circumstances related to the individual case of the foreigner and his/her country of origin.

The conditions and procedures for reopening the proceedings for international protection have been detailed, a one-time reopening of the proceedings being envisaged, upon a request of the foreigner within 9 months from the suspension of the proceedings.

Legislative amendments also provided the necessary procedural guarantees for foreigners seeking international protection, especially regarding the respect of the overriding interest of one of

²⁸ Law on Asylum and Refugees, SG No. 89/2020 <https://dv.parliament.bg/DVWeb/broeveList.faces>

the most vulnerable groups of persons, namely the unaccompanied minors.

In order to improve the administrative control regarding the persons who were granted international protection in the Republic of Bulgaria, the legal provisions on the rights and obligations of foreigners with protection have been further developed, i.e. the right of a foreigner with protection to reside on the territory of the country and his/her obligation to submit, within 30 days after subscription in the population register, an application for the issuance of Bulgarian personal documents.

Complying with the recommendations of the European Commission, Art. 63 of the Law on Asylum and Refugees has been refined, supplementing the sources from which information on countries of origin can be drawn and distinguishing the case of a ban on the provision and/or disclosure of information about persecuted persons and persons committing serious encroachments from the case of a ban on collecting information from the indicated persons.

2.4 RELOCATION AND RESETTLEMENT PROGRAMMES

Relocation

In March 2020, the European Commission presented an action plan for immediate measures in support of Greece's efforts to overcome the critical situation regarding the reception of third-country nationals seeking protection. The EC proposed a voluntary participation by member states in a relocation scheme from Greece. The scheme concerned the relocation of unaccompanied children and children with serious medical conditions with their families to other Member States.

Bulgaria participated in the voluntary relocation scheme from Greece, committing to relocate 50 unaccompanied minors, the relocation being implemented by the State Agency for Refugees with the Council of Ministers.

Following the fire on the island of Lesbos, the National Council for Migration, Borders, Asylum and Integration decided, in addition to the first application for 50 unaccompanied children, to relocate another 20 unaccompanied minors, applicants for international protection²⁹.

In order to successfully complete the relocation activities, the State Agency for Refugees maintained regular communication with the Special Secretary for the Protection of Unaccompanied Minors in Greece, the European Asylum Support Office, the International Organisation for Migration, the Greek Refugee Service and other partners involved.

The first group of 17 unaccompanied children arrived in the Republic of Bulgaria on 23 November 2020. An Action Plan was prepared for coordination and creation of the necessary organisation.

Resettlement

By decision of 30 January 2020, the National Council for Migration, Borders, Asylum and Integration decided to reaffirm the commitment of the Republic of Bulgaria to resettle 110 persons,

²⁹ Report on the activity of the State Agency for Refugees with the Council of Ministers for 2020:

<https://www.aref.government.bg/sites/default/files/uploads/docs2021-03/%D0%93%D0%9E%D0%94%D0%98%D0%A8%D0%95%D0%9D%20%D0%94%D0%9E%D0%9A%D0%9B%D0%90%D0%94%20%D0%9D%D0%90%20%D0%94%D0%90%D0%91%20%D0%97%D0%90%202020%20%283%29.pdf>

according to Council of Ministers Decision No. 750/2017 and with a view to reaching the set number of persons, by planning to resettle 25 persons for 2020. However, the spread of Covid-19 has led to a temporary halt to the resettlement of refugees in Bulgaria, as well.

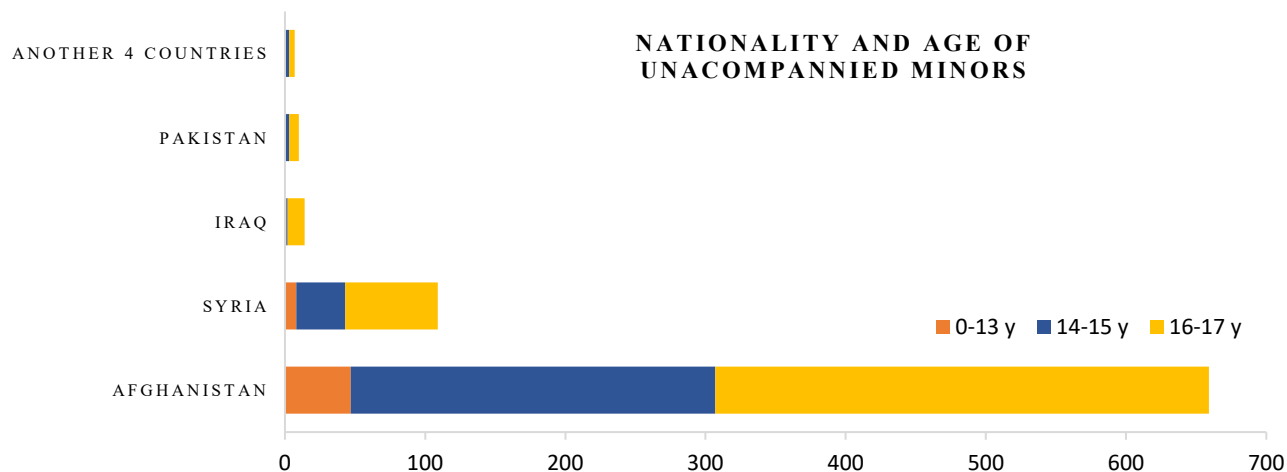
In the framework of the European resettlement project EU-FRANK - 2014-2020 (Facilitating Resettlement and Refugee Admission through New Knowledge), the State Agency for Refugees with the Council of Ministers was invited to share its experience in conducting small-scale resettlement missions. On 30 June 2020, a final meeting was held to finalise the project activities.

3 MINORS AND OTHER VULNERABLE GROUPS

3.1 UNACCOMPANIED MINORS APPLYING FOR OR RECEIVING INTERNATIONAL PROTECTION

3.1.1 STATISTICS AND TRENDS

In 2020, a total of 799 unaccompanied foreign children applied for international protection in the Republic of Bulgaria, with an increase of 53% compared to 2019. Of these, 56 were minors under



14 years of age, and 743 were minors between the age of 14 and 18 years. Over 98.7% were males.

The prevailing citizens were of Afghanistan (82% of the total), Syria (14% of the total) and Iraq (2% of the total)³⁰.

As of January 2020, a second Safe Area for unaccompanied minors with a capacity of 138 places started functioning at the State Agency for Refugees under the Council of Ministers. For the service provision of the areas, a specialised Methodology for the conditions and organisation of social support has been developed and is being operating, in which the procedure for admission, accommodation and the rules in the area have been regulated. Activities for educational support, social adaptation and cultural orientation have been determined. A 24/7 care by specialists and additional security, as well as defined target groups, principles and approaches to work have been provided. The total capacity of the Safe Areas to accommodate unaccompanied minors is 238³¹.

During the reporting period, the State Agency for Refugees elaborated 445 quick assessments for the best interests of the child and 72 complete assessments.

In case of reasonable doubts about the stated age, the age of 39 foreigners was assessed. The reported results showed 35 expert opinions stating an age over 18 years and 4 expert opinions stating an age under 18 years.

³⁰ <https://www.aref.government.bg/index.php/bg/node/238>

³¹ Report on the activity of the State Agency for Refugees with the Council of Ministers for 2020: <https://www.aref.government.bg/sites/default/files/uploads/docs2021-03/%D0%93%D0%9E%D0%94%D0%98%D0%A8%D0%95%D0%9D%20%D0%94%D0%9E%D0%9A%D0%9B%D0%90%D0%94%20%D0%9D%D0%90%20%D0%94%D0%90%D0%91%20%D0%97%D0%90%202020%20%283%29.pdf>

3.1.2 LEGISLATIVE DEVELOPMENTS

In 2020, the improvement of national policies in the field of care for unaccompanied foreign children and the harmonisation of national legislation with the standards provided for in the international and European law continued.

The amendments to the Law on Asylum and Refugees adopted in 2020 brought to upgrading and supplementing the procedural guarantees for one of the most vulnerable groups, i.e. the unaccompanied minors³². New provisions have been introduced for the representation of unaccompanied minors seeking protection, and the appointment of a representative of the unaccompanied person by the municipal administration has been dropped. By proposition of the National Legal Aid Bureau (NLAB), provisions have been adopted providing for the possibility of assigning the function of representatives of unaccompanied applicants for protection to lawyers from the Legal Aid Register at the NLAB. The need for the introduction of these changes was caused by lacks in the protection of the best interests of the child by the Bulgarian courts and the need to optimise the proceedings for granting international protection. In accordance with Directive 2013/33/EU (the Reception Directive), the provisions on the representation of this vulnerable group of applicants for protection have been further developed.

The obligations of the representative have also been regulated, requiring this person to have the necessary knowledge to be able, in accordance with the principle of ensuring the best interests of the child, to assist unaccompanied minors to exercise their rights and perform their duties. It has been regulated that a representative cannot be a person whose interests are in conflict or could possibly be in conflict with the interests of the unaccompanied minor.

The representative of the minor foreigner seeking or receiving international protection, until the later reaches the age of majority, has the following powers: to take care of his/her legal interests in the proceedings for granting international protection until their completion by an effective decision; to represent him/her before all administrative bodies and to perform the role of procedural representative in all proceedings before the administrative and judicial bodies.

The Law provides for in detail the ability to conduct medical examination to determine the age of a minor when there is doubt that he/she is an adult. Detailed information shall be provided to the foreigner for the performance of this expertise and an informed consent shall be signed. The foreigner has the right to refuse to conduct such a procedure.

The purpose of the adopted changes was to create a mechanism for the correct establishment of the actual age of the applicants for international protection.

3.2 UNACCOMPANIED MINORS WHO DO NOT APPLY OR HAVE NOT BEEN GRANTED INTERNATIONAL PROTECTION AND OTHER VULNERABLE GROUPS

In 2020, 277 unaccompanied foreign minors were found inland, who did not seek protection in the Republic of Bulgaria. The children were handed over to the Social Assistance Directorate. Nearly 98% of them were citizens of Afghanistan.

³² Draft law amending and supplementing the Law on Asylum and Refugees, and motives <https://parliament.bg/bg/bills/ID/157505/>

During the year no prolonged-term residence was provided to unaccompanied minors who did not seek protection in the country under the terms and conditions of the amendments of 2019 to the Law on Foreigners in the Republic of Bulgaria³³.

³³ Art. 28a, para. 1 of the LFRB: “Unaccompanied foreign children, as well as foreigners under 18 years of age, who entered the territory of the Republic of Bulgaria with an escort, but were abandoned by him, who have not applied for protection under the Law on Asylum and Refugees or whose applications have enforceable judgments for refusal of international protection, may be allowed only prolonged-term residence on the territory of the Republic of Bulgaria until reaching the age of majority. The permit shall be issued in accordance with the regulations applying this law. ”

4 INTEGRATION

4.1 GENERAL CONTEXT

In 2020, there have been no changes in the policy of the Republic of Bulgaria regarding the integration of migrants.

The integration of persons with international protection is a process of implementation of specific measures and services in priority social areas, regulating protection against discrimination, equal status, equal access and rights to opportunities for education in the Bulgarian language, and thus to education, housing, health care and social assistance, recognition of qualifications and employment, integration into the social, cultural and civic life of society.

The integration of persons who have received international protection in the Republic of Bulgaria has been carried out in accordance with the Ordinance on the terms and conditions for concluding, implementing and terminating the agreement for integration of foreigners with granted asylum or international protection³⁴.

In accordance with Art. 20 of this Ordinance, the State Agency for Refugees with the Council of Ministers shall conduct individual and group consultations with the accommodated persons, prepare integration profiles of the applicants for international protection and assist in filling in applications for concluding integration agreements.

In 2020, 141 integration profiles were prepared for foreigners who expressed a will to remain in the Republic of Bulgaria after acquiring refugee or humanitarian status. Citizens of Syria prevail (72% of the total), followed by citizens of Afghanistan (17%) and Iraq (4%).

Foreigners who arrived in the Republic of Bulgaria under the relocation and resettlement schemes were supported in learning the Bulgarian language, providing medical care and free access to medical services under the same conditions as for the Bulgarian citizens. They have also received support in providing specialised medical care, payment for medical examinations that were not covered by the health insurance fund, support for inclusion in the Bulgarian educational system and enrolment in Bulgarian schools, provision of transport to and from schools, purchase of teaching materials and provision of conditions for distance learning and other activities.

The activities in the field of social adaptation and cultural orientation have been carried out through information sessions on specific topics, inclusion of accommodated foreigners in organised events inside and outside the centres of the State Agency for Refugees, participation in sports, cultural and social events, music activities with children, art classes with children and adults. The activities have been implemented in cooperation with non-governmental and international organisations working in the field of migration.

According to the State Agency for Refugees³⁵, in 2020 a total of 14 integration agreements were concluded with 54 Syrian nationals who received international protection in the Republic of

³⁴ <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=116399>

³⁵ Report on the activity of the State Agency for Refugees with the Council of Ministers for 2020:-

<https://www.aref.government.bg/sites/default/files/uploads/docs2021-03/%D0%93%D0%9E%D0%94%D0%98%D0%A8%D0%95%D0%9D%20%D0%94%D0%9E%D0%9A%D0%9B%D0%90%D0%94%20%D0%9D%D0%90%20%D0%94%D0%90%D0%91%20%D0%97%D0%90%202020%20%283%29.pdf>

Bulgaria (9 families and 5 individuals). The foreigners have been received on the territory of Sofia Municipality.

In October 2020 the implementation of the project "Together for Integration" started. It has been carried out by the Bulgarian Red Cross, Nadja Centre Foundation, Vitosha district and Oborishte district of Sofia Municipality. The project was the first of its kind in which non-governmental organisations and entities of the local self-government united to provide integration support to persons who have received international protection. It has been envisaged to carry out, in a period of 18 months, activities aimed at supporting the integration through housing of 12 refugee families, social work, including capacity development of municipal social workers, support for integration into the labour market, support for access to health services and mental health, provision of medicines and others. Activities have been planned with the participation of local community members who support the social inclusion of refugees. The project has been funded by the national programme of the Asylum, Migration and Integration Fund³⁶.

During the year the State Agency for Refugees at the Council of Ministers continued to hold regular information sessions with the persons seeking protection in the centres, with the aim of getting acquainted with the employment opportunities in the country, as well as with specific proposals by employers. In the conditions of an epidemic situation, 48 asylum seekers have been included in the labour market.

In October, the Sofia Development Association and the Confederation of Independent Trade Unions in Bulgaria (CITUB) organised a meeting to form a coalition of local stakeholders as part of the UnionMigrantNet project, aimed at creating partnerships between employers and local authorities to achieve sustainable integration of refugees at the local level. At the end of the year, CITUB presented newly elaborated materials – posters and brochures aimed at refugees and persons providing information about their integration into the labour market, as well as about their labour insurance rights. The brochures have been freely distributed among the refugees and on the territory of the registration and reception centres of the State Agency for Refugees.

An amendment and supplement of the Ordinance on inclusive education (SG No. 48 of 26 May 2020)³⁷ gave the opportunity, until the end of the school year 2019-2020, to carry out training of children through additional panels in educational areas in kindergartens with a total duration of up to 40 astronomical hours, as well as additional training of students – with a total duration up to 120 teaching hours in one or more subjects, which can be held during non-school hours, including during the summer holidays.

The change allowed the additional training to be conducted individually or in groups of up to 10 students and to be carried out as much as possible, in compliance with the anti-epidemic measures.

The change affected children and students who needed support in compulsory pre-school and school age, including children seeking or receiving international protection. This allowed children who do not speak Bulgarian to engage in additional forms of pedagogical interaction during non-school hours.

In order to facilitate effective inclusion in the education system, during the year, 65 teachers were trained to work with children and students seeking or receiving international protection.

³⁶ <http://2020.eufunds.bg/bg/8010436/0/Project/BasicData?contractId=gB2gc7cx6sw%3D&isHistoric=False>

³⁷ <https://www.lex.bg/en/laws/ldoc/2137177670>

Together with the regional education departments, the State Agency for Refugees at the Council of Ministers organised, coordinated and directed children to the state and municipal schools of the Republic of Bulgaria. In 2020, 113 foreign children seeking or receiving protection were enrolled in a school for the 2020-2021 school year.

An organisation has been set up to purchase and provide backpacks and school materials for enrolled students. The good practice of providing transport for children from the territorial divisions of the State Agency for Refugees to and from school continued. Regular information sessions and individual consultations and assistance have been provided to parents and children, including unaccompanied children, in the preparation and filling in the necessary documents. The process of the introduced e-learning has been effectively supported; the students have been provided with laptops, headphones and Internet access. In addition, Bulgarian language classes have been held at the SAR with Council of Ministers ranging from 14 to 23 hours a week, and from 7 to 18 persons included in the groups. During the declared state of emergency in the Republic of Bulgaria, some of the activities were temporarily suspended, after which they resumed, in strict compliance with the anti-epidemic measures.

In December 2020, the organisation “Multi Kulti Collective”, together with UNHCR, held the annual national meeting of Sirius Network titled “Educational integration of refugee children during a pandemic: Challenges, good practices and way forward”³⁸. It was attended by 33 participants, representatives of the Ministry of Education and Science, the State Agency for Refugees, the State Agency for Child Protection, the Ombudsman of the Republic of Bulgaria, the Social Assistance Agency, schools in Sofia and Harmanli, NGO representatives, refugees and migrant organisations as well as teachers of refugee children. Issues on overcoming difficulties in accessing education for refugee children in a pandemic were discussed.

In November 2020, the Bulgarian Council for Refugees and Migrants, in partnership with UNHCR and the Multi Kulti Collective, held a national forum on “Protection and Integration of Refugees in the Context of Covid-19”. The event was attended by representatives of international organisations and public institutions, municipal administrations, the private sector and NGOs. The event provided a forum for sharing experiences, commitments and perspectives in response to the challenges of refugee protection and integration in the context of the pandemic. A digital collection of materials “Protection and integration of refugees in the context of Covid-19” was provided³⁹. It was prepared and published specifically for the forum.

During the year the Bulgarian Council for Refugees and Migrants launched a new information website⁴⁰ targeting persons who have received international protection in the Republic of Bulgaria and providing detailed information about their rights and obligations. The website is available in seven languages: Bulgarian, English, French, Arabic, Farsi, Pashto, Kurdish and provides information on protection and integration in Bulgaria, identity documents, housing, education, recognition of diplomas and qualifications, employment, courses in Bulgarian language, family reunification and Bulgarian citizenship. On the platform www.refugee-integration.bg may be found up-to date

³⁸ Inform: https://bcrm-bg.org/wp-content/uploads/2021/01/E-News_Info_Sheet_OCT_DEC-WEB.pdf

³⁹ https://bcrm-bg.org/wp-content/uploads/2020/11/2020.BCRM_Protection_and_integration_refugee_COVID19_context.pdf

⁴⁰ <https://refugee.bg/en/>

information on the integration, rights and obligations of persons who received international protection in Bulgaria.

4.2 RESEARCH ON INTEGRATION

In 2020, research in the field of integration was published. The list below is a sample of the main research and studies published by non-governmental and international organisations working in the field of migration, as well as by academic institutions.

The study **“Municipal housing policies: a key factor for successful integration at the local level”**⁴¹ responded to the need for an up-to-date overview of municipal housing policies in Bulgaria and in particular the extent to which they reflect the housing needs of beneficiaries of international protection. The study was elaborated in view of the possibility of legislative and practical changes facilitating access to municipal and social housing for persons who have received international protection. It aims at bringing Bulgarian legislation in line with international and European standards and practices. In addition to the study, examples from thirteen European countries have been selected for successful housing for persons who leaved the reception centres or other forms of collective accommodation. The study was funded by the Office of the United Nations High Commissioner for Refugees in Bulgaria (UNHCR).

The specialised study **“Opportunities for cooperation with academic institutions in the field of refugees and asylum”**⁴², developed by the UNHCR Office in Bulgaria, was presented in early 2020 during an organised coalition meeting with leading representatives of academia, where the possibility of cooperation was discussed. The Academic Portal on Forced Migration and Refugees was launched during the event⁴³ - an innovative online network for collaboration and resource sharing between academics. The platform was established by the Bulgarian Council for Refugees and Migrants on the initiative of the Office of the United Nations High Commissioner for Refugees in Bulgaria (UNHCR) in January 2020.

The study **“Refugees at a distance - The borders that they fail to cross”**⁴⁴, developed by the Institute of Philosophy and Sociology of the Bulgarian Academy of Sciences, presents a comparative analysis of the results of three consecutive national representative surveys of the population in Bulgaria – in 2018, 2019 and 2020, which reveal the distances, fears and the non-acceptance that the Bulgarian population demonstrates with regard to refugees. The first two studies have been conducted by the UNHCR office in Bulgaria, and the third one – by a team of the Institute of Philosophy and Sociology of BAS under the project “Refugees in the minds of Bulgarians – fears, understanding, empathy”, funded by the Research Fund at the Ministry of Education and Science. All three surveys are nationally representative, encompassing 1,000 persons each, who, in terms of their socio-demographic characteristics, reproduce the real ratio in the country in terms of gender, age, education, place of residence and ethnicity. According to the main findings, the awareness of refugees was at a very low level and has been further decreasing over the years. In 2020, the share of Bulgarians who were completely unaware about refugees, reached 87.9% compared to 78% in 2019 and 63.7% in 2018. The majority of Bulgarians (90.9%) did not maintain contacts with refugees in 2020, and 76.8% have never met a refugee. Surveys show that Bulgarians do not show xenophobia in their

⁴¹ <https://www.unhcr.org/bg/wp-content/uploads/sites/18/2020/10/Housing-Study-FINAL-EN.pdf>

⁴² <https://bcm-bg.org/wp-content/uploads/2020/03/AcademiaUNHCR-%D0%91%D0%93.pdf>

⁴³ <https://academia.bcm-bg.org/>

⁴⁴ <https://jesbg.com/anakova-bezhantsi-na-edna-raka-razstoyanie-za-granitsite-koito-te-ne-uspyavat-da-preminat/>

treatment of refugees. Regarding the integration of refugees, social skills have been more important for Bulgarians, as according to 80%, they should “have professional skills”, while 77% believe that they should be “self-sustained”. The surveys show a trend of a more tolerant attitude towards the right to work of asylum seekers and the possibility for refugees to bring their relatives to the country. Bulgarians were more tolerant and willing to support refugees than economic migrants. According to the survey in 2020, 62% of Bulgarians would accept persons fleeing war and persecution in their countries of origin⁴⁵.

Five publications of the **Academic Bulletin “Refugees: Today and Tomorrow”** have been issued⁴⁶, aiming to provide up-to-date information on various aspects of the phenomenon of forced migration, including international standards for the protection of refugees; information on asylum systems in Bulgaria and Europe; integration opportunities and practices for refugees, as well as the political, economic and social consequences for host communities. The Bulletin was being published by the Bulgarian Council for Refugees and Migrants within the project “Advocacy for the Integration of Refugees in Bulgaria”. It has been supported by the UNHCR Office in Bulgaria. The Bulletins contain data and statistics; brief legal explanations of the international protection regime; information on the activities of institutions and non-governmental organisations that support refugees in Bulgaria; interviews with field experts, lecturers; information on academic initiatives and published articles related to the topic. The topic of the first publication of the bulletin provided a brief overview of the situation in 2019 for the persons seeking and receiving international protection in Bulgaria. It also reflected the topics of interest of the academic community by representing a short bibliography of articles published during the year. The second issue of the newsletter focused on the topic of housing policies and practices, while the third one – on the access to education for asylum seekers and refugees in Bulgaria; the fourth examined the attitudes of Bulgarian society towards refugees, and the fifth examined the integration of applicants for and recipients of international protection in Bulgaria.

⁴⁵ Report and comparative analysis of the studies for 2019 and 2020 https://www.unhcr.org/bg/wp-content/uploads/sites/18/2020/11/Survey_Report_19-20_EN.pdf

⁴⁶ <https://academia.bcrm-bg.org/%d0%bc%d0%b5%d1%81%d0%b5%d1%87%d0%bd%d0%b8-%d0%b1%d1%8e%d0%bb%d0%b5%d1%82%d0%b8%d0%bd%d0%b8/>

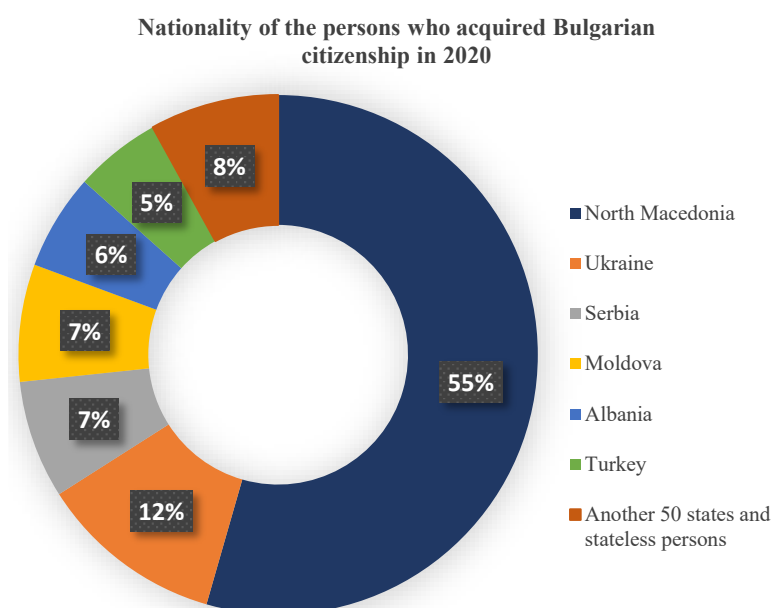
5 CITIZENSHIP AND STATELESSNESS

5.1 ACQUISITION OF CITIZENSHIP

5.1.1 STATISTICS AND TRENDS

The granting and restoration of Bulgarian citizenship, as well as the release and deprivation of it, are one of the main powers of the Vice-President of the Republic of Bulgaria. They are delegated by the President pursuant to Article 98, point 9 of the Bulgarian Constitution.

A Commission on Bulgarian Citizenship has been set up within the Presidential Administration. It represents a specialised body assisting the Vice-President in exercising their powers delegated by the President.



In 2020, the Vice-President of the Republic of Bulgaria issued 142 decrees for the acquisition of Bulgarian citizenship for 16,709 persons⁴⁷. The citizens of the Republic of North Macedonia, Ukraine, Serbia, Moldova, Albania and Turkey prevailed. Bulgarian citizenship has also been granted to 10 stateless persons.

An increase by 88% has been observed, compared to 2019 when Bulgarian citizenship acquired 8,878 persons.

During the reporting period, 11,440 persons, or 68% of the total number, acquired Bulgarian citizenship on the basis of Bulgarian origin.

On the grounds of a parent who is a Bulgarian citizen or under the conditions of complete adoption, Bulgarian citizenship was granted to 4,758 foreigners.

By decree of the Vice-President of the Republic of Bulgaria, Bulgarian citizenship was granted to 477 persons who met the conditions of Art. 12, 12a, 13, 13a and 14 of the Law on Bulgarian Citizenship⁴⁸. Under the conditions of Art. 14a of the LBC, 22 persons acquired Bulgarian citizenship against investments. Twelve persons received citizenship due to an interest of the state for their naturalisation and special merits to the Republic of Bulgaria.

In 2020, 84 decrees were issued for the restoration of Bulgarian citizenship for 1,737 persons. 372 persons have been released from Bulgarian citizenship, and this category included Bulgarian citizens who have permanently settled in another country and have requested to acquire its respective citizenship.

⁴⁷ Report of the Commission on Bulgarian Citizenship <https://www.president.bg/docs/1612171599.pdf>

⁴⁸ Law on Bulgarian Citizenship <https://www.lex.bg/laws/ldoc/2134446592>

Naturalisation was revoked for 10 persons due to: legal violations with imposed bans on entry and residence in the Schengen area; hidden facts and data about judicial or criminal records; effective convictions for intentional crimes of a general nature in the country of origin, etc. The granting of Bulgarian citizenship was refused to 4,540 persons.

5.1.2 LEGISLATIVE DEVELOPMENTS

In 2020, the political and legislative debates on the adoption of amendments to the Law on Bulgarian Citizenship continued, the focus of the discussions being on the terms and conditions under which Bulgarian citizenship may be granted for investment.

The reason for the legislative amendments was the report of the European Commission from January 2019 on the citizenship and residence schemes against investments applied in some countries, including the Republic of Bulgaria, which outlines the existing practices and identifies some risks for the EU related to these schemes, in particular with regard to security, money laundering, tax fraud and corruption.

On 29 October 2020, the National Assembly adopted at first reading⁴⁹ the three draft laws amending and supplementing the Law on Bulgarian Citizenship, which provide for clarification of the terms and conditions for obtaining citizenship by naturalisation. They also provide legal clarity on the application of the provisions for acquiring Bulgarian citizenship, referring to the United Kingdom as an EU Member State during the transitional period and beyond.

In accordance with the Rules of Procedure of the National Assembly, at the beginning of November 2020, a common draft law amending and supplementing the Bulgarian Citizenship was elaborated including the proposals adopted at the first reading.

The proposed draft law was adopted at a second reading at the end of February 2021 and was promulgated in the State Gazette No. 21 of 12 March 2021⁵⁰ containing the following provisions:

The conditions for acquiring Bulgarian citizenship by naturalisation by persons who have received a permanent residence permit on the basis of investments under the terms of the Law on Foreigners in the Republic of Bulgaria have been specified. It was proposed to eliminate the possibility of acquiring Bulgarian citizenship by investing in government securities, concluding a trust management agreement with a licensed credit institution or increasing the investment to BGN 2 million.

Long-term investments and creation of jobs have been encouraged, including projects certified under the Law on Investment Promotion. The possibility of acquiring Bulgarian citizenship by making investments in priority projects under implementation has been restored.

Provisions have been adopted creating more favourable conditions for the acquisition of Bulgarian citizenship by naturalisation of the spouses of investors who have acquired Bulgarian citizenship on the basis of long-term investments. The reasons for this proposal were related to encouraging and facilitating the opportunities for establishing investors and their families in the country and strengthening ties with it.

⁴⁹ <https://www.parliament.bg/bg/bills/ID/163425>

⁵⁰ State Gazette

<https://dv.parliament.bg/DVWeb/showMaterialDV.jsp;jsessionid=5AE39909D95B055A401DF2C098A1547E?idMat=156355>

The draft law sets out an obligation to declare any change in terms of investments within two years of the naturalisation of the person. Failure to comply with this obligation would lead to the repeal of naturalisation. The proposed amendment aimed to address the gaps in the current legislation and to facilitate the process of control by the competent authorities.

A new ground for naturalisation in connection with direct investments and tangible assets amounting to at least BGN 1 million and cumulative creation of at least 20 new jobs has also been proposed.

The draft law provided for the explicit regulation of the requirement for motivating the proposals of the ministers under Art. 16 of the Law on Bulgarian Citizenship for granting Bulgarian citizenship to a person where the Republic of Bulgaria has an interest in its naturalisation or if that person has special merits to the country in the social and economic area, in the field of science, technology, culture or sports.

In order to specify the terms and conditions for granting Bulgarian citizenship on the grounds of Bulgarian origin, with a parent who is Bulgarian citizen, or an adopted Bulgarian citizen under the conditions of full adoption, it has been proposed to establish an Advisory Board at the State Agency for Bulgarians Abroad. This body shall give a reasoned positive or negative opinion on granting citizenship within two months of the assignment, taking into account whether the applicant speaks Bulgarian, whether he/she identifies himself/herself as a person of Bulgarian origin, and whether there is at least one of the following circumstances: to be part of a Bulgarian community or a Bulgarian minority in another country; to originate from a settlement that was part of the Bulgarian state in the past or the Bulgarian Exarchate, etc. It is envisaged the State Agency for Bulgarians Abroad to keep an electronic register with data of the persons for whom the Advisory Council has established Bulgarian origin.

The draft law amending and supplementing the Bulgarian Citizenship also provided for amendments to the Law on Foreigners in the Republic of Bulgaria. The amendment of Art. 40, Para. 1, item 1 of the LFRB explicitly sets out that the investments that have become grounds for granting permanent residence should be maintained throughout the period of residence. The reasons for this change were dictated by the need to create a legal mechanism for timely control and sanctioning of violations related to non-sustaining, respectively early liquidation of investments at the stage of the right of permanent residence.

It has been proposed to create a new Art. 24π, according to which prolonged-term residence permits can be obtained by foreigners who are holders of a certificate issued by the Ministry of Economy for a high-tech and/or innovative project, called a “Start-up visa”, and who, following the issuance of a long-stay visa, have become partners or shareholders in a Bulgarian company, and who own not less than 50 per cent of the capital of that company, the subject of activity of which is the one declared at the issuance of the certificate.

5.2 STATELESSNESS DETERMINATION, STATUS AND RIGHTS GRANTED

In 2016, the Law on Foreigners in the Republic of Bulgaria introduced the possibility of granting the status of “stateless person”, according to the 1954 Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Respective amendments were also introduced in the Rules applying this law.

In view of the clearly defined procedure in the Bulgarian legislation for granting the status of stateless person, in 2020, a Law for withdrawal of the derogation was adopted, made by the Republic of Bulgaria under Art. 31 of the Convention Relating to the Status of Stateless Persons, adopted in New York on 28 September 1954 (promulgated in SG No. 83 of 25 September 2020)⁵¹ as it is no longer relevant.

During the year, amendments to the Law on Foreigners in the Republic of Bulgaria have been adopted at first reading. They further specified the terms for granting the status of a stateless person. New grounds for refusal have been introduced where the person: is or was holder of a valid identity document which could have been reissued, but was not; is subject to coercive administrative measures under the Law on Foreigners in the Republic of Bulgaria (“return” and “ban on entry”) or satisfy one of the conditions under Art. 10 of the LFRB⁵².

⁵¹ <https://www.lex.bg/bg/laws/ldoc/2137205693>

⁵² LFRB, Art. 10. (1) The issuing of visa and entering in the country shall be refused to a foreigner when:

1. with his activities he has put or could put in danger the international relations, the security or the interests of the Bulgarian State or about whom there are data that he acts against the national security;
- 1a. there is information that he commits, abets, participates in the preparation, aid or training for performing a terrorist activity or that purpose of entry is to use the country as a transit point to a third country in whose territory to carry out these actions;
2. with his activities he has discredited the Bulgarian state or has derogated the prestige and the dignity of the Bulgarian people or by his entrance in the country relations of the Republic of Bulgaria with another country could be harmed;
3. there is information that he is a member of a criminal group or organisation or that he implements smuggling and illegal transactions with arms, explosives, ammunitions, pyrotechnical products, strategic raw materials, products and technologies with double use as well as illegal traffic of anaesthetic and psychotropic substances and precursors and raw materials for their production;
4. there is information that he implements trade with people and illegal bringing persons in the country and bringing out of the country persons to other states;
5. he has been expelled from the Republic of Bulgaria sooner than 10 years ago and has not restored in 6 months term after the expel the funds spent for this by the country;
6. he was sentenced for a committed premeditated crime on the territory of the Republic of Bulgaria which according to the Bulgarian law is sanctioned with a punishment of more than 1 year imprisonment;
7. he has made an attempt to enter the country or to pass through it using false or forged documents, visa or residence permit;
8. it could be supposed that he will disseminate grave infectious disease, suffers from a disease which according to the criteria of the Ministry of health or the World Health Organisation represents a threat for public health or when he does not have a certificate for vaccination, or comes from a region with complicated epidemic or epizootic situation;
9. he has no ensured subsistence and the necessary obligatory insurances during the stay in the country and funds ensuring opportunity for returning back;
10. there are findings that in the last two years he has breached the border regime, the passport - visa, the currency or the customs regime of the Republic of Bulgaria;
11. at previous stay he has breached the labour or tax legislation of the country;
12. he has no visas or tickets for the following countries along the route;
13. to the person has been imposed compulsory administrative measure not to enter the country;
14. he is included in the informational data base of the unwelcome foreigners in the country under Art. 21a, Para. 1;
15. [revoked]
16. applies for a visa with an invalid passport or a document for travelling substituting it.
17. he/she does not prove with credibility the purpose and conditions of the requested stay or transit or airport transit;
18. has already stayed on the territory of the Republic of Bulgaria for 90 days within the last 180 days as a holder of a visa for short-stay or under a visa-free regime for short stays;
19. is a person, about who a signal into the Schengen Information System for refusal of permission of entrance has been entered.
20. in case of a previous stay in the country, the person have been committing breaches of the public order systematically;
21. indications exists, that the purpose of the crossing the border is to stay in the country as an immigrant without the needed for this special permission;
22. data exists, that the purpose of his/her entry is to use the country as an transit point for immigration to a third country;
23. has submitted a document containing false information or declared false data;
24. there are reasonable doubts about the authenticity of the attachments to the visa, the veracity of their contents, the reliability of the statements by the foreigner or his/her intention to leave the country within the term allowed for the stay.;

In 2020, stateless status was granted to 15 persons. The procedure was ceased against one person and three persons were denied status.

25. a coercive administrative measure under Art. 41, unless voluntary return is allowed;

26. has been convicted in the state of which he is a citizen or in the state of his usual residence for an intentional crime of a general nature and according to the Bulgarian legislation for the same type of crime a punishment of imprisonment of at least one year is provided, unless he is rehabilitated.

(2) In the cases under para 1 a visa may be issued or the entry on the territory of the Republic of Bulgaria may be allowed for humanitarian reasons or when this is required by the state interest or by the fulfilment of international obligations.

6 BORDERS, VISA AND SCHENGEN

6.1 BORDER MANAGEMENT AT THE EXTERNAL BORDER

6.1.1 STATISTICS AND TRENDS

Border security and integrated border management are a leading national priority in the field of security and management of migration processes.

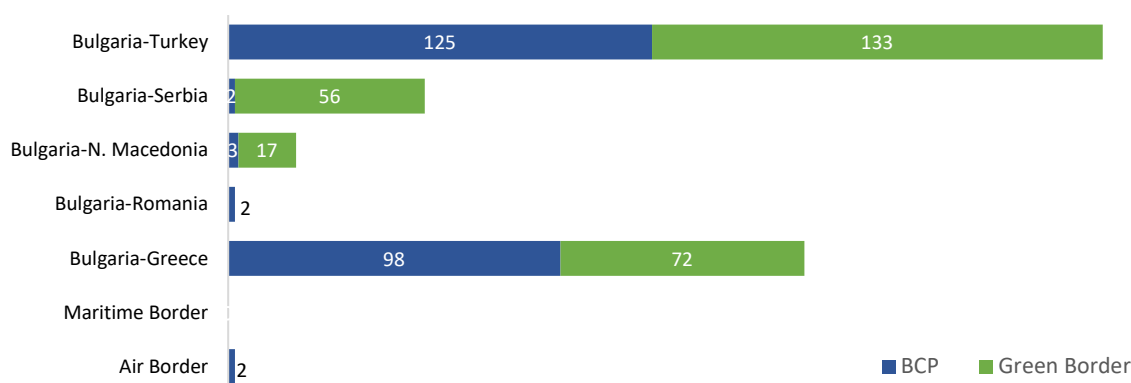
In 2020, the migratory situation along the state border of the Republic of Bulgaria remained dynamic. The situation was significantly influenced by the Covid-19 pandemic and the restrictive measures imposed on movement and entry into other countries. By the end of the first half of the year, there was a serious decline in migratory pressure, followed by a gradual increase reaching a peak in October.

In 2020, attempts were registered by a total of 13,042 third-country nationals to cross the territory of the Republic of Bulgaria across the state borders, representing an increase by 76% compared to 2019 (7,422)⁵³.

A total of 510 third-country nationals were detained at the entrance, 278 of them being at the green border and 232 at border checkpoints. There was an increase of 4.3% compared to the previous year (489). Of these, 338 were detained at external borders (295 for 2019) and 172 at internal borders (194 for 2019). Citizens of Afghanistan (30% of the total) and Syria (25% of the total) prevailed, followed by citizens of Turkey (12% of the total) and Iraq (8% of the total).

Nearly 51% of the foreigners detained at the entrance to the state border have been detained

Third-country nationals detained at entrance to the State Border



at the Bulgarian-Turkish border, 33% at the entrance to the Bulgarian-Greek border and 11% at the border with Serbia.

At the exit of external and internal borders, 1,675 irregular migrants were detained, 1,461 of them being at the green border and 214 at the border checkpoints. There was an increase by more than 2 times compared to 2019, when 805 persons were detained. Citizens of Afghanistan prevailed (64% of the total). Over 84% of the attempts to illegally cross the state border by third-country

⁵³ https://www.mvr.bg/docs/default-source/planiraneotchetnost/spravka_december_2020_internet.pdf?sfvrsn=b643417d_2

nationals have been detected at the Bulgarian-Serbian border. At the exit of the Bulgarian-Romanian border, 168 irregular migrants have been detained, i.e. about 10% of the total.

For this period, a total of 5,009 refusals to enter the country have been issued at the border checkpoint. The reason for 4,685 of them were third-country nationals who did not meet the conditions for entry into the EU, according to Art. 6 of the Schengen Border Code. An increase of 18% compared to 2019 is reported. Citizens of Turkey, Albania, Russia, North Macedonia, Georgia, Serbia and others predominate.

Due to the epidemic situation related to the spread of Covid-19, scheduled meetings of the Joint Committees with the Republic of North Macedonia, the Republic of Serbia and Romania, as well as joint activities at the state border were postponed and did not take place.

In order to maintain high efficiency in border surveillance, in 2020 continued the deployment of police patrols along the state border, along the temporary preventing facility on the border with Turkey and in the border zone areas in depth, around checkpoints and other locations. The applied tactical actions were aimed at preventing the attempts for illegal crossing of the state border by individuals and groups of irregular migrants, as well as their establishment directly on the line of the state border or in depth of the border zone. Continuous monitoring was carried out to detect groups in the neighboring territories⁵⁴.

The specialised police operation on the Bulgarian-Turkish border and part of the border with the Hellenic Republic to prevent attempts to illegally cross the state border by individuals and groups of migrants in the areas between the border checkpoints continued.

The available equipment has been effectively applied. Technical means have been provided in areas with a high risk of migratory pressure. Control has been exercised over the use of technical means and the air equipment in the border surveillance, which has helped to obtain preliminary information about the movement of persons and groups near the state border on Bulgarian and the neighboring territories, as well as the timely direction of ground patrols.

In 2020, the inspections of the country's border checkpoints were carried out in the conditions of emergency and epidemic situation related to Covid-19. In order to limit the spread of the virus across the borders of the Republic of Bulgaria, thermal cameras have been located at the border checkpoints to measure the body temperature of passengers. Permanent health care staff has been provided. Isolation facilities have been built and an organisation has been set up to quarantine passengers and conduct interviews to establish any contacted persons. Personal protective equipment has been provided for border guards.

6.1.2 POLICY DEVELOPMENTS

At the policy level, in 2020, with Decision No. 792 of the Council of Ministers of 30.10.2020 a Strategy for Integrated Border Management in the Republic of Bulgaria for the period 2020-2025 was adopted⁵⁵.

⁵⁴ https://www.mvr.bg/docs/default-source/planiraneotchetnost/%D0%BE%D1%82%D1%87%D0%B5%D1%82%D0%B8-%D0%B7%D0%B0-%D0%B8%D0%B7%D0%BF%D1%8A%D0%BB%D0%BD%D0%B5%D0%BD%D0%B8%D0%B5%D1%82%D0%BE-%D0%BD%D0%B0-%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%BD%D0%B8%D1%8F-%D0%B1%D1%8E%D0%B4%D0%B6%D0%B5%D1%82/1300_bu_3_2020.pdf?sfvrsn=b6bf53a8_0

⁵⁵ <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1325>

The national strategy has been elaborated in accordance with the Technical and Operational Strategy for European Integrated Border Management (IBM), which follows the four-step model for access control and strategic components. In addition to the main components, the strategy covers all three horizontal aspects: fundamental rights, education and training, and research and innovation, which are set out in separate chapters.

The Strategy for Integrated Border Management in the Republic of Bulgaria takes into account the three strategic goals of the Technical and Operational Strategy for IBM: 1. Reduced vulnerability of external borders based on overall awareness of the situation; 2. Safe, secure and well-functioning external borders of the EU, and 3. Permanent capabilities of the European border and coast guard.

The main objectives of the National Strategy are: implementation of effective border control; strengthening cooperation with third countries in order to reduce migratory pressure and the effective return of persons; development and optimisation of the national information systems for achieving the interoperability with the European information systems, as well as effective counteraction to the cross-border crime.

This document was elaborated by the Strategic Working Group on Integrated Border Management at the National Council for Migration, Borders, Asylum and Integration. The strategic objectives set out in the strategy for the individual components have been implemented through activities included in the Action Plan. This Plan is prepared annually, and the Council exercises political control over its implementation.

6.1.3 IMPROVING THE EFFECTIVENESS OF CONTROL AT THE EXTERNAL BORDERS

In 2020, measures have been taken to implement the commitments of the Republic of Bulgaria on the implementation of Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226.

Amendments have been made in the laws and regulations, i.e. in the Law on the Ministry of Interior (State Gazette, No. 60 of 2020)⁵⁶ and the Regulations for its implementation (amended and supplemented, SG No. 99 of 20 November 2020)⁵⁷ The International Operational Cooperation Directorate with the Ministry of Interior has been designated as a national contact point under the European Travel Information and Authorisation System (ETIAS).

At the end of 2020, the International Operational Cooperation Directorate – MoI and the Communication and Information Systems Directorate – MoI have submitted project proposals for granting financial support under the Internal Security Fund for the establishment of the national ETIAS unit and for ensuring of optical connectivity of systems.

In 2021, amendments to the national legislation are to be made in order to bring it in line with the requirements of Regulation (EU) 2018/1240.

⁵⁶ Law on the Ministry of Interior <https://www.lex.bg/laws/ldoc/2136243824>

⁵⁷ Organic Statute of MoI <https://www.lex.bg/laws/ldoc/2136265362>

During the reporting period, the Council of Ministers adopted an Emergency Action Plan due to the increased migratory pressure on the border of the Republic of Bulgaria with the Hellenic Republic⁵⁸. The document has been elaborated on the basis of an analysis of the interdepartmental group set up by order of the Prime Minister. It is related to the migration flow along the Bulgarian-Greek border and a review of the current Plan. The need to repeal some of the measures set so far has been taken into account. At the same time, a package of activities of the national institutions directly involved in this process has been identified, the implementation of which will be coordinated by the National Operational Headquarters under the authority of the Minister of Interior.

The main goal of the approved new Emergency Action Plan on the increased migratory pressure on the border of the Republic of Bulgaria with the Hellenic Republic, is to create optimal organisation, coordination and interaction for adequate response of Bulgaria in case of emergency due to increased migration pressure.

6.2 VISA POLICY AND SCHENGEN

6.2.1 POLICY DEVELOPMENTS

In 2020, the Republic of Bulgaria was considered capable of providing passive access to the EU VIS. Bulgaria has long sought passive access, which will have a positive impact on security, as national authorities will be able to check Schengen visas in the EU system.

6.2.2 LEGISLATIVE DEVELOPMENTS

During the year, draft laws were prepared to amend the Law on Foreigners in the Republic of Bulgaria (SG No. 21 of 12 March 2021), the Ordinance on the issuance of visas and Tariff 3 on fees.

The purpose of the amendments was to align national legislation with the common EU visa policy and Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) and the Schengen criteria.

The draft Law amending and supplementing the LFRB sets out provisions envisaging the introduction of a harmonised approach to the issuance of multiple-entry visas (Article 14 of the LFRB). The conditions for issuing a short-stay visa for multiple entries with a validity of up to 5 years have been specified in detail. These conditions include: 1. the foreigner to have a valid travel document issued in the previous 10 years with a validity period of at least 3 months after the planned date of departure from the Republic of Bulgaria, except in exceptional circumstances or humanitarian reasons and 2. to have justified the purpose and conditions of the planned stay, the availability of sufficient means of subsistence for the duration of the planned stay in Bulgaria and for his return to the country of origin or for transit to a third country.

It is possible to issue short-term multiple-entry visas with different validity periods depending on whether the foreigner has a previous visa. Multiple-entry visas which are valid for up to 5 years may also be issued to foreigners who justify their intention to travel regularly, provided that they prove their good faith and reliability and the lawful use of previous visas, their financial

⁵⁸ Decision of the Council of Ministers <https://www.gov.bg/bg/prestentat/zasedaniya-na-ms/dneven-red-na-zasedanie-na-ministerskiya-savet-na-22-07-2020-g>

situation in the country of origin and their actual intention to leave the territory of the Republic of Bulgaria before the expiration of the visa for which they are applying.

The possibility for submitting a visa application electronically has also been provided (Art. 9ж of the LFRB).

A new ground for refusal to issue a visa or to enter the country has been included (Art. 10, para. 1, item 26 of the LFRB) where the foreigner has been convicted in the country of which he is a citizen or in the country of his usual residence for an intentional crime of a general nature and according to the Bulgarian legislation for the same type of crime a punishment of imprisonment of at least one year is provided, unless the conviction has been cancelled.

In 2020 a draft Decree of the Council of Ministers amending and supplementing legislative acts of the Council of Ministers was elaborated⁵⁹. The draft act provides for changes in the Ordinance on the terms for issuing visas and determining the visa regime (adopted by Decree of the Council of Ministers No. 198 of 11.07.2011), as well as and in Tariff No. 3 on fees collected for consular services in the system of the Ministry of Foreign Affairs under the Law on State Fees (adopted by Decree No. 333 of 28.12.2007).

The amendments to this Ordinance aimed at unifying the period of stay, according to the EU law, the calculation in months being replaced by days.

Another goal was to establish a more systematic and more harmonised issuance of multiple short-term visas with a longer validity period for *bona fide* regular travellers who intend to visit Bulgaria for tourism.

Changes have been envisaged in the sample visa application and refusal form.

In cases where a further examination of the application for a short-stay visa or airport transit is required, or in cases of representation where the authorities of the represented Member State are consulted, the examination period shall be extended from 30 to 45 calendar days. In emergency cases, it is possible for the decision to issue visas for airport transit or short-term residence to be taken immediately, and not within 3 working days.

The Ordinance introduces additional provisions related to the implementation of direct and regular monitoring of the activities of external service providers in order to ensure compliance with the legal instrument governing their assigned responsibilities. Some of the changes provide for regular on-site inspections to be carried out once every 9 months at the premises of the external service provider in order to comply with general information on the criteria, conditions and procedures for applying for a visa and the content of sample applications provided to applicants. the external contractor, as well as with regard to all technical and organisational security measures necessary for the protection of personal data against unintentional or unlawful destruction or unintentional loss, alteration, unauthorised disclosure and other unlawful forms of personal data processing.

⁵⁹ draft Decree of the Council of Ministers amending and supplementing legislative acts of the Council of Ministers, and motives <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=5021>

The changes in Tariff № 3 envisage an increase in the visa fee to 80 euros. It is envisaged that the increase will be postponed, which will take effect on October 1, 2021. All children under the age of 12 will be exempt from the requirement to pay a visa fee.

Another amendment by the draft act aimed to reduce the fee for certification with “Apostille” of documents issued by Bulgarian institutions under the Abolishing the Requirement of Legalisation for Foreign Public Documents (SG No. 45 of 2001).

7 IRREGULAR MIGRATION AND SMUGGLING

7.1 IRREGULAR STAY

An important element of the overall activity to combat irregular migration was the implementation of effective control over the residence of foreigners in the interior of the country.

In 2020, the police authorities reported an increase by 17%, compared to 2019, in the number of conducted police operations and inspections in places with increased concentration of foreigners. Priority has been given to detecting foreigners with completed procedure for granting international protection, as well as to exercising control over foreigners with ongoing procedure who have declared that they reside at external addresses. Inspections have been carried out at hotels, at private addresses, commercial sites and public places. Systematic monitoring of mixed marriages has also been carried out, for which there are signs, facts and information that they had been concluded only for the purpose of circumventing the law and obtaining a residence permit. Actions have been taken to collect information for citizens from the so-called “risk countries”, for their relations with Bulgarian citizens and the purposes of residence, in order to prevent, detect and impede irregular migration.

As a result of the implemented activities, in 2020, 3256 illegally staying third-country nationals were found in the interior of the country, which is an increase by 72% compared to 2019.

As irregular stayng have been detected third-country nationals who crossed the state border illegally, who remained in the country after the expiration of the period of residence permitted by law or who did not leave the Republic of Bulgaria after the refusal to grant international protection.

The trend to detect mostly illegally staying citizens of Afghanistan remains, with an increase by 140% in their number compared to 2019. Increase by more than 2 times was reported in the number of citizens of Syria as well. There was a relative steadiness in the number of Turkish and Iraqi citizens illegally staying inland.

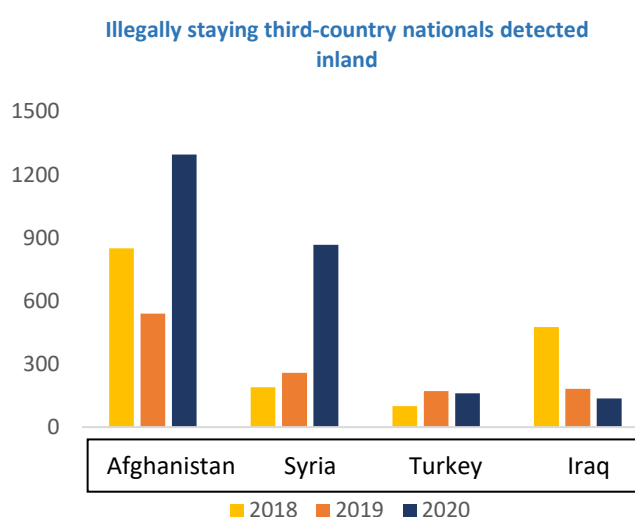
With regard to the profile of illegally staying foreigners detained inland, there is a trend to detain mostly men (86% of the total number) over the age of 18 who have crossed the state border illegally.

In 2020, 277 unaccompanied minors were found in the interior of the country, who did not seek protection in the Republic of Bulgaria. The children were handed over to the Social Assistance Directorate. Nearly 98% of them were citizens of Afghanistan.

The regions with the highest concentration of illegally staying foreigners were the capital city and the settlements near the Bulgarian-Turkish border.

7.2 ILLEGAL EMPLOYMENT

In 2020, the “General Labour Inspectorate” Executive Agency found 245 violations of the Law on Labour Migration and Labour Mobility. In 41% of cases it was found that work was provided by third-country nationals having no the relevant permission or registration at the Employment



Agency. A total of 5 cases of illegally staying third-country nationals were found. 10 third-country nationals were found to work without access to the labour market.

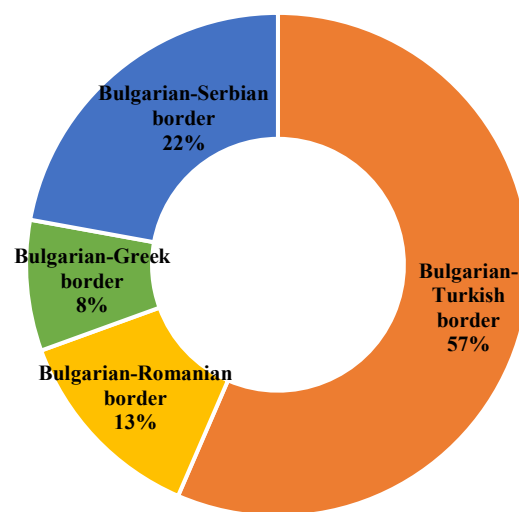
The draft Law amending the Law on Foreigners in the Republic of Bulgaria, which has been adopted during the year at first reading by the National Assembly, includes provisions aimed at optimising the control over the employment of foreigners. Fines and pecuniary sanctions have been introduced for employers who do not notify the Migration Directorate of the termination of employment of a foreigner or who hire a foreigner holding a visa but lacking residence permit.

7.3 COUNTERACTING THE SMUGGLING OF MIGRANTS

Emphasis in the work on counteracting irregular migration has been the implementation of appropriate measures to counter and limit smuggling. In 2020, 156 alerts were lodged in the Border Police General Directorate, and a total of 123 pre-trial proceedings were brought on them, 75 of which under Art. 280⁶⁰, and 48 under Art. 281⁶¹ of the Penal Code.

A total of 131 persons, mostly citizens of Bulgaria, Turkey and Iraq, have been prosecuted. Attempts have been made to smuggle 735 persons, which is an increase by 24% compared to 2019.

Persons detained for smuggling in 2020, divided by borders



⁶⁰ Penal Code, Art. 280. Whoever transfers across the border of the country individuals or groups of people without the permission of the competent authorities or at least with permission, but not through the designated places, shall be punished by imprisonment of one to six years and a fine of five thousand up to twenty thousand leva.

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

1. a person under the age of 16 has been transferred across the border;
2. the transfer has taken place without the knowledge of the person;
3. the person transferred across the border is not a Bulgarian citizen;
4. a motor vehicle, aircraft or other means of transport have been used;
5. the translation has been organised by a group or organisation;
6. the transfer has been performed in a way endangering the life of the transferred persons.

(3) The punishment shall be imprisonment of three to twelve years, a fine of ten thousand to thirty thousand leva and confiscation of part or all of the property of the perpetrator, when the act has been committed with the participation of an official who has benefited from their official situation.

(4) In the cases of para. 2, item 4, the vehicle shall be confiscated in favour of the state, if it belonged to the perpetrator or was provided to him voluntarily.

⁶¹ Penal Code Art. 281. (1) Whoever, in order to obtain for himself or for another property benefit illegally assists a foreigner to reside or cross the country in violation of the law, shall be punished with imprisonment of up to five years and with a fine of three thousand to ten thousand leva.

(2) The punishment shall be imprisonment of one to six years and a fine of five thousand to twenty thousand leva, when the act has been:

1. committed by using a motor vehicle, aircraft or other means of transport;
2. organised by a group or organisation;
3. committed in a way endangering the life of the person;
4. committed in respect of a person under the age of 16;
5. committed in respect of more than one person.

Citizens of Afghanistan (385), Syria (123), Iraq (91) and Turkey (42) prevail.

In 2020, there was no further development in policies and national legislation concerning counteraction to irregular migration inland and the fight against smuggling.

As an external border of the EU, the Republic of Bulgaria is taking measures to limit illegal stay and smuggling, including conducting regular police operations inland and expanding the patrol activity on the Bulgarian border.

7.4 INAUTHENTIC/FALSE/FORGED DOCUMENTS

In 2020, a total of 166 third-country nationals with inauthentic, false or forged documents were detained for illegally crossing the state borders. About 49% of them were detained at the entrance to the Bulgarian-Turkish border.

At the national level, measures have been taken to increase the capacity of Bulgarian border police to detect false documents. Activities financed under the Emergency Assistance Mechanism of the Internal Security Fund have been successfully implemented, aimed at upgrading the protection functionalities of the database for automatic verification of the authenticity of documents for document scanners.

More than 200 information bulletins for new travel and identity documents and alerts for detected counterfeits have been elaborated and distributed at all border crossing points in support of border guards. The materials consisted of images and descriptions of all security features in authentic documents and of the elements for detection in forged and counterfeit documents. Fraudulent warnings have also been included in this summary.

During the year, actions were taken for the implementation of the activity “Supply of new technical equipment for the needs of the National Centre for Combating False and Forged Travel Documents in Sofia and the regional units in Burgas and Svilengrad”, funded by the National ISF Programme (2014-2020).

(3) In the cases under par. 2, item 1 the vehicle shall be confiscated in favour of the state, if it belonged to the perpetrator or was provided to him voluntarily.

8 TRAFFICKING IN HUMAN BEINGS

8.1 GENERAL CONTEXT

In 2020, the Republic of Bulgaria continued to be mainly a country of origin for victims of trafficking in human beings. The trend observed in recent years to be less of a country of transit and final destination for the victims has been preserved.

The pandemic spread of SARS-CoV-2 and the worldwide measures taken to curb it have had an impact on the crime of trafficking in human beings and victims. The economic crisis, the overload of the health system and the social exclusion have been identified as key preconditions influencing the triggering factors related to trafficking in human beings and increasing the vulnerability of persons who are potential victims of trafficking. Restrictions introduced, which limited the opportunities for free movement and mobility, led to changes in the overall way the criminal groups act, both in terms of forms of exploitation and in terms of ways of involvement. The current situation has created difficulties in timely reporting potential cases of trafficking in human beings and exploitation. It has also led to delays in identifying and referring victims, and has hampered access to services, support and justice for victims.

Over the past year, there has been a decrease in the number of crimes related to trafficking in human beings. A decrease has also been observed in the number of submitted reports of this crime (in 2020 – 53 reports for 60 persons; in 2019 – 77 reports for 100 persons).

Trafficking in human beings for the purpose of sexual exploitation continued to be the most common form, affecting mainly women and girls. There was an increase in the number of reports of victims of domestic trafficking for this purpose, it being concentrated mainly in the capital city and in larger cities, as well as in the resorts, with a seasonal nature.

There has been a trend the number of persons who have been trafficked for forced labour to increase, especially to other countries, mainly in agriculture, construction works and services, as well as for forced begging and criminal activities. The most vulnerable groups to human trafficking for the purpose of labour exploitation were low-educated and illiterate persons, as well as persons with disabilities.

According to the information from the Ministry of Interior, in 2020 a new criminal activity has been established on the territory of the country – trafficking in human beings for the purpose of selling tissues (blood).

During the year, cases were reported in which Bulgarian citizens were transferred to other countries (mainly to the Republic of Cyprus, the United Kingdom and Belgium) in order to enter into a fictitious marriage with foreigners. Most often, marriages aim to regularise the stay of third-country nationals in the EU and to facilitate access to the right of residence and work. Cases have become more frequent in recent years as a result of increased migration flows to the EU Member States. Although this type of activity did not involve trafficking in human beings, it may be a condition and a way of involvement in an exploitation scheme. The case was similar with the so-called early and/or forced marriages, which may also turn into trafficking schemes, mainly for the purpose of sexual exploitation.

Information and computer technologies and social networks remained one of the main ways to recruit and control victims of trafficking.

Identifying foreign nationals who are victims of trafficking in human beings in the country continued to be a challenge. Third-country nationals who received protection in the Republic of Bulgaria and irregular migrants are vulnerable to being involved in trafficking and exploitation. In 2020, the Administration of the National Commission for Combating Trafficking in Human Beings (NCCTHB) together with non-governmental organisations worked with 3 third-country nationals, alleged victims of trafficking in human beings (one potential case of this kind of trafficking for the purpose of sexual exploitation of a Ukrainian citizen and a potential case for the purpose of labour exploitation of two citizens of Kyrgyzstan).

8.2 NATIONAL STRATEGIC POLICY DEVELOPMENTS

The National Commission for Combating Trafficking in Human Beings is the competent national authority for formulating and implementing the policy and strategy in the field of combating trafficking in human beings. The National Commission, which is a body with the Council of Ministers, organises and coordinates the interaction between the individual departments and organisations for the implementation of the Law on Combatting Trafficking in Human Beings. It implements activities related to protection, recovering and reintegration of victims of trafficking. The Commission develops annually a National Programme for Prevention and Counteraction to Trafficking in Human Beings and Protection of Victims, which includes operational activities to implement the national priorities set out in the Strategy for Combating Trafficking in Human Beings 2017-2021.

In June 2020, by Decision No. 363 of the Council of Ministers, the Annual National Programme for Combating Trafficking in Human Beings and Protection of Victims for 2020 was adopted⁶².

The National Programme includes 42 activities proposed by all institutions represented in the National Commission for Combating Trafficking in Human Beings (as a collective body), as well as by non-governmental and international organisations. The programme reflects the work of the services specialised for victims of trafficking in human beings (apart from all other social services available for those victims in the country). These services have been financed from the budget of the NCCTHB and managed by non-governmental organisations. The services are open to all suspected or officially identified victims over the age of 18 (there are separate services available for children), including women who could be accommodated with their children. This includes both Bulgarian and foreign citizens.

8.3 LEGISLATIVE DEVELOPMENTS

In 2020, work began on the elaboration of a *Draft amendment to the Regulations on temporary shelters and centres for protection and assistance to victims of trafficking in human beings*, adopted by Ordinance No. 49/2004 of the Council of Ministers. This amendment of the Regulations was necessary in view of the lack of legal framework for the shelter service for subsequent reintegration of victims of trafficking in human beings, along with the procedure for detection, organisation of work and conditions for admission. The aim was for the regulatory provisions to be brought in line with the latest amendments to the Law on Combatting Trafficking in Human Beings of October 2019. Work on this point is expected to continue in 2021.

⁶² <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1307>.

8.4 IDENTIFYING AND PROVIDING INFORMATION TO THIRD-COUNTRY NATIONALS WHO ARE VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Information and prevention campaigns

Raising awareness in society and among vulnerable groups became a priority in the policy of prevention and combating trafficking in human beings in 2020. A number of information campaigns have been launched at national level to raise awareness of the risks of trafficking for labour and sexual exploitation, especially in the context of rising unemployment and increasing vulnerability due to the Covid-19 pandemic.

In May 2020, the National Commission for Combating Trafficking in Human Beings carried out the annual National Campaign for the Prevention of Trafficking in Human Beings for the Purpose of Labour Exploitation. The campaign was conducted in partnership with the ten local commissions for combating trafficking in human beings, the Employment Agency, the “General Labour Inspectorate” Executive Agency, the Ministry of Foreign Affairs and other stakeholders. Special information materials were created – a video; e-banners and posters, which were distributed until the middle of June 2020.

To raise awareness, during the reporting period, the Employment Agency, together with the European Employment Services - EURES network, continued to disseminate information, including on their websites www.az.government.bg and www.eures.bg on living and working conditions in EU countries and the possible forms of abuse. The information also included the risks of seasonal work abroad; advice when looking for a job abroad with the aim at preventing trafficking in human beings, as well as information about companies that have received permission to carry out intermediary activities abroad.

In 2020, the Employment Agency, in partnership with the “A 21 Campaign” Foundation, organised online training sessions for labour intermediaries from the Labour Office Directorates for prevention of trafficking in human beings, identification of victims and informing about the capacity of the National Hotline for combatting trafficking in human beings.

In the period July-August 2020 and on the occasion of 18 October – the European Anti-Trafficking Day, the NCCTHB conducted two national campaigns for the prevention of trafficking in human beings for the purpose of sexual exploitation. The campaign included a number of prevention and information activities carried out by the ten local commissions and their network of volunteers. The main goal was to increase public awareness and sensitivity regarding the mechanisms of drawing into crime, as well as to draw attention to specific signs for identifying victims. Prevention activities and related information materials (videos, information visualisations, media publications, coverage of events, etc.) have been published in this Commission's official social profiles on Facebook, Instagram, Twitter and YouTube. The total number of publications exceeded 170, and the approximate reach of users is over 100,000.

In order to raise awareness about trafficking in human beings among third-country nationals seeking and receiving international protection, specially developed brochures on this crime have been placed in the reception areas of the territorial offices of the State Agency for Refugees. The NCCTHB has also provided the State Agency for Refugees with four films containing information on the prevention of trafficking in human beings, which have been displayed on screens in the accommodation premises. Information sessions on this topic have also been held periodically.

Development of the national capacity for countering and preventing trafficking in human beings

During the reporting period, 21 training sessions have been organised and conducted, including for upgrading the capacity of professionals in the field of identification and referring of victims of trafficking in human beings, as well as specialised multidisciplinary training sessions for law enforcement officials. More than 570 experts underwent the training sessions, including investigators, prosecutors, judges, police officers, pedagogical advisers, labour and health mediators, representatives of the Local Commissions for Combating Antisocial Behaviour of Minors, journalists, inspectors from the “General Labour Inspectorate” Executive Agency, etc. In addition, experts from the administration of the National Commission for Combating Trafficking in Human Beings and its local structures have participated as lecturers in over 10 training and information sessions for experts, which have been organised by other institutions and organisations.

Cooperation with other countries to prevent trafficking in human beings

In 2020, the Republic of Bulgaria took part in the international operation “Large-scale days for joint actions against trafficking in human beings for the purpose of labour exploitation”. The operation, organised by Europol, was carried out in implementation of the 2020 Operational Action Plan in the priority area “Trafficking of people” of EMPACT-THB. During the complex operations on the territory of the country, inspections of risky companies have been carried out, and at the border checkpoint persons with a risk profile have been checked with regard to “trafficking in human beings for the purpose of labour exploitation”.

The Republic of Bulgaria also took part in a joint team investigating trafficking in human beings with the support of Europol and Eurojust. As a result of the international cooperation during the reporting year, 8 international operations have been carried out, jointly with specialised police services of Austria, the United Kingdom, Germany, Switzerland and the Czech Republic in cases of trafficking in human beings.

In order to exchange experience in the field of combating trafficking in human beings, during the reporting year, representatives of the National Commission for Combating Trafficking in Human Beings took part in a number of international meetings and training sessions. These include: the two annual meetings of the EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings; 20th Conference of the Alliance against Trafficking in Persons organised by the OSCE’s Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings; a regional expert meeting on South-East Europe organised by the United Nations Office on Drugs and Crime; a workshop on interstate cooperation in the fight against transnational organised crime, organised by the IOM in China, the Chinese Anti-Trafficking Service at the Ministry of Public Security and other stakeholders.

Activities related to identification, support and protection of victims of trafficking in human beings, carried out jointly with the non-governmental organisations

A total of 5 services for support of victims of trafficking in human beings continued to operate at the NCCTHB, i.e. shelters for temporary accommodation and support of victims of trafficking, support centres and shelter for subsequent reintegration. The services have been managed by non-governmental organisations with many years of experience in providing support and protection to victims of trafficking and violence: SOS - Families at Risk Foundation and Demetra

Association. In 2020, 25 victims of trafficking received support in specialised services for victims of trafficking in human beings.

During the reporting period, a Crisis Centre has been operating with priority accommodation of children, victims of trafficking in human beings. It has been managed by the PULS Foundation, together with the Sofia Municipality. At the beginning of 2020, the administration of the NCCTHB provided an equipped and renovated property housing the Crisis Centre. During the year, a total of 17 children have received care in this Centre.

In order to restore the operation of the shelter for temporary accommodation for adults in Sofia, in 2020 the implementation of the Project "Ensuring the sustainability of specialised support for victims of trafficking" has started. It was funded by the EU Internal Security Fund.

In 2020, the Animus Association Foundation has been implementing three projects funded by the Asylum, Migration and Integration Fund. They aimed at identifying and supporting migrant women victims of trafficking in human beings.

Within the project "TOLERANT – TransnatiOnaL network for Employment integRAtion of womeN vicTims of trafficking", implemented jointly with KMOP and a consortium of organisations from Austria, Italy and Spain, a draft Handbook has been elaborated. It has been dedicated to integrated support of employment for women third-country nationals who are victims of trafficking in human beings for the purpose of sexual exploitation. It is to be issued in 2021. The Bulgarian component of the electronic platform for work on cases of migrant women victims of trafficking in human beings is also under development. It is to be completed in March 2021. In order to overcome the effects of trafficking in human beings and reintegrate victims into society through assistance, support, cooperation and protection, in 2020 Animus consulted 34 women. Of these, 10 were Bulgarian citizens – victims of trafficking. The rest of these persons were migrants, mainly from Afghanistan, Brazil, Colombia, Ghana, Iran, Iraq, Morocco, Syria and Turkey. There were no officially identified women victims of trafficking within the migrant communities in Bulgaria. The reasons for this fact are related to resistance on the part of migrants to be recognised as victims of crime, as this would prevent their further movement to the countries of desired destination. There are no available ways to report crimes by migrants who have no identity documents, without this leading to undesirable consequences for them related to their residence in the country.

The project "WIN – Trafficked Women Integration", implemented jointly with the Fondo Provinciale Milanese per la Cooperazione Internazionale and a consortium of organisations from Italy and Spain, envisages the implementation of activities aimed at long-term intensive support for 10 migrant women, victims or at risk of trafficking. The project is based on coordinated personal integration plans. At the end of the reporting period, the process of integration of 2 women was completed, and another 2 were actively involved in it. By the end of the project (October 2021), 6 more women are to be included.

In October 2020, the Animus Association Foundation started working on the project ACTIVATE – Improving the identification of victims, the prevention of trafficking in human beings and the support mechanisms". This project was funded by AMIF and has to be implemented within 24 months. The leading organisation is KMOP (Greece), and the Animus Association Foundation, together with the Differenza Donna Associazione Di Donne Contro La Violenza Alle Donneonlus (Italy) and SOLWODI (Germany), are partners in the project. The project aims to improve

identification of victim, prevention and support mechanisms, with a special focus on victims of trafficking for sexual exploitation. It is envisaged to implement activities aimed at building capacity for better identification and support of victims of trafficking in human beings; elaboration of training manuals for employees of the registration and reception centres of the State Agency for Refugees, as well as for lawyers. Another goal is to improve the National Referring Mechanisms and the interaction between the public authorities and the key stakeholders.

Animus Association Foundation has also been implementing a project funded by the Sofia Municipality. It aimed at providing unconditional and immediate support to victims of trafficking in the Transit Centre for Victims of Trafficking. Due to the Covid-19 pandemic, there were difficulties in the work, 20 women having been supported during the year.

9 RETURN AND READMISSION

9.1 GENERAL OVERVIEW

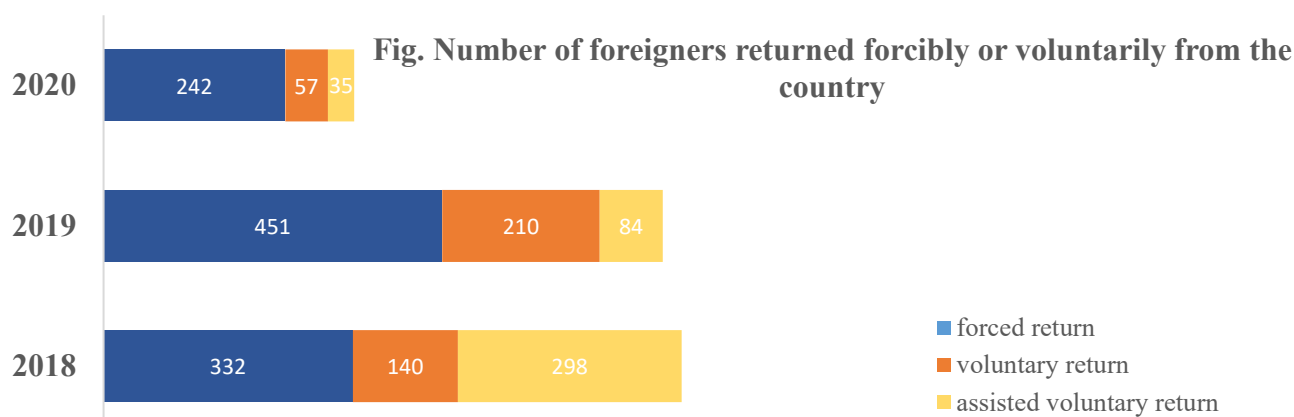
The effective return of illegally staying third-country nationals is a key component of a comprehensive migration management policy. It is crucial to maintain confidence in the national system in the field of legal migration and asylum, ensuring that persons who do not or no longer meet the conditions for legal stay or have no grounds for protection are to be returned.

The return policy of the Republic of Bulgaria is carried out in compliance with the provisions established by EU law and international law, aimed at full respect for the human rights and dignity of migrants subject to return, as well as in compliance with the principle of “non refoulement”.

In 2020, a total of 3,192 return decisions were issued to foreigners illegally residing in the Republic of Bulgaria, of which 3,179 orders for “return to country of origin, country of transit or safe third country” and 13 orders for “expulsion”. There was an increase by 62% compared to 2019, which is a direct result of the increase in migratory flows to the Republic of Bulgaria, reported in the second half of the year.

The Covid-19 pandemic and the restrictive measures on entry into third countries imposed in 2020 had a direct impact on the implementation of return procedures. The lack of regular civil flights to a number of destinations, including destinations of origin of illegally staying foreigners, as well as the additional safeguards related to the requirements for a negative PCR test immediately before travel or the introduction of mandatory quarantine on entry, posed significant difficulties in planning return operations.

In 2020, a total of 334 illegally staying third-country nationals were forcibly or voluntarily returned from the country.



Citizens of Turkey, Afghanistan, Iraq, Syria and Iran prevail. Over 83% of returned foreigners were men, 61% of whom were between 18 and 34 years old.

In pursuance of EU policies and shared commitments to combat irregular migration, cooperation with the Border and Coast Guard Agency (Frontex) continued. Despite the Covid-19 pandemic, during the reporting period the Republic of Bulgaria participated in 6 joint flights organised by other Member States for the return to the country of origin of illegally staying foreigners. The operations were carried out to Afghanistan, Nigeria and Iraq. At the end of the year, using the resources of the European Border and Coast Guard Agency, the return of two illegally staying in the Republic of Bulgaria citizens of Nigeria and Cameroon was performed, without the participation of Bulgarian escort officers.

Due to the restrictions imposed on limiting the spread of Covid-19, communication with countries of origin of irregular migrants has been carried out mainly through electronic exchange of information and, in limited cases, by holding meetings with diplomatic representatives of third countries, in strict compliance with restrictive measures, the purpose of which was to assist in establishing the identity of illegally staying foreigners.

9.2 LEGISLATIVE DEVELOPMENTS

In 2020, at first reading, the National Assembly adopted a draft law amending the Law on Foreigners in the Republic of Bulgaria⁶³. It contained proposals to amend the existing provisions in the field of return. In accordance with the case law of the European Court of Human Rights, the draft law provides for clarification of the provisions on the imposition of coercive administrative measures, i.e. “return to country of origin, country of transit or safe third country” and “expulsion”. In line with the recommendations, a precision has been made between expulsion related to a threat to the national security and expulsion related to a threat to the public order. The obligation to indicate the country in which the measure will be implemented shall be included in the order for imposing the coercive measures “return” and “expulsion”.

In accordance with Directive 2008/115/EC, some provisions have been supplemented which provide for that a foreigner who has been subject to a coercive administrative measure “return” shall not be returned to a country where his/her life and liberty are endangered and he/she is exposed of danger of persecution, torture or inhuman or degrading treatment. When these circumstances are established by an effective judicial act, the foreigner shall be issued and served with an order by the

⁶³ Draft law and motives <https://www.parliament.bg/bg/bills/ID/163303>

authority that issued the return order, where shall be explicitly stated the prohibition on return and the state in which the foreigner shall not be subject to return. The order shall not be subject to appeal.

Another amendment concerned the introduction of the automatic suspensive effect of appeals filed against expulsion orders issued on the grounds of a “serious threat to public order”, as well as the shortening of the terms for consideration of appeals under Art. 46a, para 2 of the LFRB (the order for involuntary accommodation in a special home).

In 2020, amendments were made to the Law on Foreigners in the Republic of Bulgaria (SG No. 98 of 2020), extending the term for accommodation of illegally staying foreigners in the units for short-term accommodation. The amendment aimed to create a legal guarantee to ensure the initial identification, the confirmation of identity and the follow-up administrative action in the context of the SARS-CoV-2 pandemic. The statutory period for accommodation of 30 days has been extended by the period during which the foreigner has been placed in isolation, hospital treatment or quarantine.

9.3 COOPERATION WITH THIRD COUNTRIES IN THE FIELD OF READMISSION

Readmission agreements concluded at bilateral and EU level provide a strict framework for cooperation between EU Member States and third countries, establishing rapid and effective procedures for the identification, re-issuance of documents and return of persons residing without a permit in the territory of the other party.

A ratified agreement between the EU and the Republic of Belarus on the readmission of illegally residing persons entered into force on 1 July 2020. A Draft Protocol between the Government of the Republic of Bulgaria and the Government of the Republic of Belarus on the Implementation of the Readmission Agreement between the European Union and the Republic of Belarus and a Draft New Protocol between the Government of the Republic of Serbia on Implementation of the Readmission Agreement between the European Union and the Republic of Serbia, have been elaborated. The signed Protocol between the Government of the Republic of Bulgaria and the Government of the Republic of Armenia on the implementation of the Readmission Agreement between the EU and the Republic of Armenia (in force since 1 November 2020) has been approved by a decision of the Council of Ministers.

During the year, 279 third-country nationals were returned under readmission agreements.