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EUROPEAN MIGRATION NETWORK

NATIONAL REPORT ON MIGRATION AND ASYLUM 2019 THE REPUBLIC OF BULGARIA (PART 2)

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EXECUTIVE SUMMARY

The national policies in 2019 in areas of legal migration, integration, international protection, control of irregular migration and border protection continued to enhance, as well as policies related to the prevention of trafficking in human beings and unaccompanied minors. The aspiration of Bulgarian institutions is full harmonisation with the European acquis and implementation of European best practices to all aspects of migration policy.

All activities set out in the Action Plan for implementation of the National Asylum, Migration and Integration Strategy 2015-2020 were implemented in 2019. An Action Plan for 2020 has been elaborated and is to be adopted. This plan contains activities in all areas of migration policy where an integral part of it is the National Plan for the Integration of Persons with International Protection Status in Bulgaria.

The National Council on Migration and Integration has been renewed in terms of composition and functions as well as its name has been changed to the National Council on Migration, Borders, Asylum and Integration. A new Regulation on its organisation and activity has been adopted.

In the area of legal migration, set of new legislative amendments have been introduced addressing several aspects of policies in this area. Amendments to the Law on Foreigners in the Republic of Bulgaria reduced the administrative burden for certain categories of foreign nationals, highly-skilled workers and seasonal workers in terms of their residence in the country. The Law Implementing Regulations provide for new texts facilitating the application for obtaining a residence by foreign citizens of Bulgarian origin, foreign researchers and foreign students admitted in regular forms of training. At the same time, Bulgaria has increased the requirements for commercial representation, aiming at creating additional guarantees to prevent the circumvention of the law purposely with regard to obtaining a residence status.

In the area of international protection, the focus was on practical measures aimed at improving reception conditions and strengthening the administrative capacity of workers in this field. Measures have been put in place to create better conditions for the care of unaccompanied minors and vulnerable groups. The fulfilment of the country's commitments in the field of resettlement continued. The main focus in this area, besides the amendment of the Law on Asylum and Refugees, in order to synchronise the provisions of the Bulgarian legislation, is the preparation of amendments in this Law, which will enhance the standards in the field of international protection. The changes aim at closing the gaps in the national system of international protection by refining the provisions in line with the recommendations of the European Commission, thus ending the opened infringement procedures. These changes will also introduce European legislation.

In the policy area of unaccompanied minors, the efforts of all competent institutions continue in improving the legislation and practice as to maximise the effective response to challenges. Coordination between the structures responsible for the care is improving. Legal amendments introduced a new measure for the provision of social and integrated health and social services for residential care of unaccompanied minors and envisage the possibility of granting them a prolonged residence status in Bulgaria till the age of 18. Two safe havens have been created to house unaccompanied asylum seekers.

In the area of integration, the Republic of Bulgaria has up-to-date, well-developed and effective legislation for equal opportunities, social inclusion and non-discrimination, which is in full

compliance with European standards. In 2019, there was an increase in the inclusion of children seeking or receiving international protection in the country's education system. Local authorities and the non-governmental sector are active in promoting and supporting integration.

Legislation has been amended **in the area of citizenship policies and stateless persons** as to abolish the opportunity to gain citizenship for investment. The elaborated legislative amendments have been adopted at first reading by the National Assembly.

In the area of **Border, Visa & Schengen** policies, Bulgaria continues active cooperation with the European Border and Coast Guard Agency (Frontex) with several joint activities undertaken in 2019 to counteract irregular migration at the EU's external borders. Amendments to the Law on Foreigners in the Republic of Bulgaria were elaborated, introducing the new amendments to the Visa Code adopted by 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. Accordingly, steps have been taken to implement these amendments to the Visa Code and regulations.

In the area of **counteracting irregular migration**, the country continues its efforts to effectively protect the state border, as well as to increase the measures for prevention and successful counteraction to irregular migration. Emphasis in counteracting irregular migration is to take appropriate measures to end or at least curb the smuggle channels.

In the area of return, communication with the countries of origin has been improved, with regular meetings with diplomatic representatives of third countries presenting a migratory risk. In 2019, the government adopted a 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 European Union and the Republic of Armenia.

Strongly active was the traditionally excellent cooperation of Bulgaria with the International Organization for Migration for successful voluntary returns.

In the field of **combating trafficking in human beings**, in 2019 legislative amendments were made to the Law on Combating Human Trafficking and to one of the regulations for its implementation. The amendments enhanced the provisions of this Law in line with international legal norms and eliminated conflicts with provisions that practices proved to be inapplicable. There have been numerous national and regional awareness campaigns on the risk of trafficking in human beings.

1. INTRODUCTION

This report constitutes an overview of the main debates, legal and political initiatives in the field of migration, integration and asylum in the Republic of Bulgaria for the year of 2019. It has been 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).

This report represents a brief overview of the general structure of the institutional and law enforcement system in the Republic of Bulgaria in the field of migration, integration and asylum and delivers an explanation on the basic changes occurred in it during 2019.

The present report has been elaborated in accordance with the requirements of the Council Decision of 14 May 2008 establishing a European Migration Network (2008/381/EC). It also complies with the requirement annual reports of the national contact points reflecting the migration and asylum situation in the EU Member States to include both policy changes and statistics. The report hereafter comprises up-to-date, objective, reliable and comparable information on these phenomena and has been prepared in response to the needs for information from the community of interests institutions of the specialized bodies of the EU Member States.

The 11th report for Bulgaria has been elaborated in accordance with the guidelines of the European Migration Network (EMN) concerning the structure of such type of reports. This document represents general overview on the most important political activities and debates as well as the regulation amendments and specific measures in the field of migration, integration and asylum in the country for the period between 1 January and 31 December 2019.

1.1. Methodology

The report is based on data from a wide range of sources and aims at providing up-to-date, objective, reliable and comparable information on migration and asylum. The information is taken from publicly available governmental documents, strategies, action plans, annual reports, published surveys, etc. Opinions and publications of non-governmental or international organisations have been also included.

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

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

1.2. Terms and Definitions

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

2. ASYLUM AND MIGRATION POLICIES DEVELOPMENT OVERVIEW

2.1. General Overview

In 2019, the main public debate in Bulgaria on policies related to migration, integration and employment of third-country nationals (TCNs) on the Bulgarian market was based on the search for a lasting consensus in the society for the implementation of policies that guarantee national priorities in the context of the European Union agenda.

Successful solutions were sought throughout the year to strike a balance between security and respect for human rights within the asylum system and the successful counteraction to irregular migration. In the context of severely reduced migration pressure, as well as low workloads of the asylum system, the main efforts were focused on improving the legislation and practical aspects of the work of the competent institutions.

The debate on labour migration focuses on finding good solutions to fill the gaps with the help of workers from third countries in the national labour market without affecting the interests of Bulgarian workers and employers. This trend has existed for several years. However, the participation of TCNs on the Bulgarian national market is being stepped up, mainly as seasonal and not highly-skilled labour. The reason for the increased participation of foreigners in our market is due to both the need for manpower and efforts of the State to facilitate the conditions for admission of workers.

In response to the challenges in the areas of migration, asylum and integration, as well as to improve and refine the Bulgarian legal framework, the following legislative amendments were made in 2019:

Law on Foreigners in the Republic of Bulgaria – the Law has been a subject to amendment several times as the cluster of changes affects wide scope of areas:

- With regard to the terms and conditions for granting prolonged residence to unaccompanied minors who do not seek asylum in the Republic of Bulgaria, as well as persons having a status of stateless persons who do not have a reason to obtain permanent or long-term residence;
- With regard to the administrative burden reduce in cases of some categories of foreign citizens, i.e. highly-skilled and seasonal workers in relation to their residence in the country;
- With regard to UK citizens in case of Brexit;
- With regard to the right of prolonged residence to up to one year, without the need to hold a Visa D, of foreign citizens of Bulgarian origin who are admitted as full-time students at a higher education institution in the Republic of Bulgaria;
- With regard to the right of residence of foreign children up to the age of 18, which has already been granted by common consent of the parents, or in the absence of such, by a court decision.
- With regard to the increased requirements for obtaining residence status by foreigners, representatives of a foreign company;
- In the case of persons with a statelessness status in Bulgaria who do not meet the conditions for obtaining permanent or long-term residence on the territory of the Republic of Bulgaria, there is an option to grant a prolonged residence permissions of up to one year under the conditions provided for by the implementing regulations of the Law;
- An opportunity for a prolonged residence permission of a person with granted asylum, international protection or humanitarian status has been created;
- an opportunity for granting prolonged residence permission of persons who are members of the family of a foreigner with asylum, temporary protection or humanitarian status. The

condition for this is based on documents certifying the family ties and the right to alimony, certified or admitted for proceeding in accordance with the Bulgarian legislation.

Implementing Regulations of the Law on Foreigners in the Republic of Bulgaria

- Provisions have been adopted to facilitate the application procedures for obtaining a residence of foreign citizens of Bulgarian origin, TCNs scientific workers and students admitted in full-time training;
- In relation to the amendments to the Law on Child Protection and to the implementation of a new measure for providing social and integrated health and social services for residential care of unaccompanied minors, it has been envisaged that such children may be granted prolonged residence status in Bulgaria until the age of 18.

In relation to the amendments to the Law on Foreigners in the Republic of Bulgaria, some relevant changes have also taken place in:

the Law on Asylum and Refugees – the amendments aim at synchronising the national legislation with Council Directive 2003/86/EC.

the Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens Who Are Not Bulgarian Citizen and by Their Family Members – it was amended by the transitional and final provisions of the Law on Foreigners in Republic of Bulgaria. The change aims to include a new category of persons, members of the family of Bulgarian citizens who are citizens of the European Union and have exercised their right of free movement. Such category has lacked legal regulations so far.

the Law on Combating Human Trafficking – this amendment aims at synchronising with the international standards in the field concerned as well as updating provisions and repealing those which are no longer relevant to practice.

the Law on Child Protection – the amendment has introduced a new measure for the provision of integrated health and social services for residential care of unaccompanied foreign children.

the Instruction on the procedure and organisation of issuing documents and certificates under the Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens who are not Bulgarian citizen and by their family members – the aim has been to synchronise the amendments performed.

the Ordinance on the conditions and procedures for the issuance of visas and the visa regime – changes reflect the amendments to the Law on Foreigners in the Republic of Bulgaria.

2.2. Institutional Framework and Legal Structure in the Field of Asylum and Migration

In 2019, the structure of state institutions responsible for implementing migration and asylum policies remained unchanged. A change has taken place at the National Council on Migration and Integration, which was an advisory body for formulating national policies in the areas of migration, asylum and integration. The Council was dissolved and a new National Council on Migration, Borders, Asylum and Integration (NCMBAI) was established in its place with expanded functions and composition, compared to the former Council. This was made due to the need to formulate priorities and policies in the main areas of migration that require the competencies and political will of more than one institution. Border management has been included as a separate policy area and

new ministries and agencies, represented at a deputy minister level, now participate at the Council. The National Council is chaired by the Minister of Interior.

New Rules of Procedure for the organisation and operation of the Council were adopted, enabling it to form strategic working groups. Their tasks are related to the drafting of strategic documents and action plans in the areas of migration, borders, asylum and integration; assessing the weaknesses and needs in policy management in these areas and making recommendations to improve their implementation.

Presently, at the Council three strategic working groups are sitting:

- Strategic Working Group of Integrated Border Management – its main task is the elaboration of a National Integrated Border Management Strategy and a plan for its implementation.
- Strategic Working Group of Migration Policies – its main assignment is the elaboration of a new strategic document in the field of migration since the present active strategy expires in 2020.
- Strategic Working Group of Coordination the preparation of the Republic of Bulgaria for implementing CIS interoperability.

Since the foundation of NCMBAI, totally five Council meetings have been held to decide on the organisation of its activity and to adopt important documents in the field of migration. Within the framework of the Council the non-paper of Bulgaria in the field of migration was drafted and agreed.

The main legislative acts related to the policy implementation in the field of asylum and migration in Bulgaria are:

The Law on Asylum and Refugees¹, the Law on Bulgarian Citizenship², the Law on Bulgarian Personal Documents³, the Law on Bulgarians Residing outside the Republic of Bulgaria⁴, the Law on Combating Trafficking in Human Beings⁵, the Law on Employment Promotion⁶, the Law on Labour Migration and Labour Mobility⁷, the Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens Who Are Not Bulgarian Citizen and by Their Family Members⁸, the Law on Foreigners in the Republic of Bulgaria⁹, the Criminal Code (regarding penalties for irregular migration and trafficking in human beings)¹⁰, the Law on the Recognition of Professional Qualifications¹¹, other relevant legislation as organisational codes of the competent institutions, and health, education and other laws that have specific provisions for migrants. The legal framework for foreign investment is also relevant.

¹ Law on Asylum And Refugees, State Gazette 54/31.05.2002, <http://lex.bg/laws/ldoc/2135453184>

² Law on Bulgarian Citizenship, State Gazette 136/18.11.1998, <http://www.lex.bg/bg/laws/ldoc/2134446592>

³ Law on Bulgarian Personal Documents, State Gazette 93/11.08.1998, <http://www.lex.bg/bg/laws/ldoc/2134424576>

⁴ Law on Bulgarians Residing outside the Republic of Bulgaria, State Gazette 30/11.04.2000, <http://www.lex.bg/bg/laws/ldoc/2134916612>

⁵ Law on Combating Trafficking in Human Beings, State Gazette 46/20.05.2003, <http://www.lex.bg/bg/laws/ldoc/2135467374>

⁶ Law on Employment Promotion, State Gazette 112/29.12.2001, <http://lex.bg/laws/ldoc/-12262909>

⁷ Law on Labour Migration and Labour Mobility, <http://www.lex.bg/bg/laws/ldoc/2136803084>

⁸ Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens Who Are Not Bulgarian Citizen and by Their Family Members, State Gazette 80/03.10.2006, <http://www.lex.bg/bg/laws/ldoc/2135535758> (7 March 2014).

⁹ Law on Foreigners in the Republic of Bulgaria, State Gazette 153/23.12.1998; see: <http://lex.bg/>.

¹⁰ Criminal Code, State Gazette 26/02.04.1968, <http://lex.bg/laws/doc/1589654529> (2 March 2014)

¹¹ Law on the Recognition of Professional Qualifications, State Gazette 13/08.02.2008, <http://www.lex.bg/bg/laws/ldoc/2135579101> (7 March 2014).

2.3. General political developments

In political aspect, the year of 2019 was one of elections. Besides voting for European Parliament, local elections were also held in the country. In this regard, the political agenda has been under the election debates predominantly for the whole year.

Bulgaria participated for the fourth time in elections for European Parliament. In comparison, the highest turnout was in the 2009 elections, and in 2019 turnout was 32.4%, which is a low turnout in comparison with other European countries. Bulgaria elected 17 MPs, the majority of whom is from the ruling GERB party - 6, followed by those of the opposition, the Bulgarian Socialist Party – 5. Others are from the Movement for Rights and Freedoms, VMRO and Democratic Bulgaria (according to data from the Central Election Commission of the Republic of Bulgaria¹²).

In the European Parliament elections on 26 May 2019 participated 13 parties, 8 coalitions and 6 independent candidates. Among the main priorities of the candidates stood the positions towards the EU Mobility Package, the Bulgarian accession to the Eurozone and the Banking union as well as to the Single Energy Union. Main topics were also the security in the context of migration management and the common asylum system and the EU funding management. The vigorous participation of Bulgaria in the EU cybersecurity and the development of capacity to combat hybrid threats were also focused and discussed in public¹³.

Generally, the political year was calm in the context of public and political debate in the area of migration management. The emphasis in political and social terms was rather shifted to the field of social policy. In 2019, there were massive protests of parents against the draft National Strategy for the Child. The protests were about interpreting key points in the strategy as an attempt to make it easy for a child to be removed from his/her family. There were also street protests in the public health sector.

2.4. Overview of major debates concerning asylum and migration

The major debates in this area in Bulgaria over the past year were related to maintaining the balance between national security, respect for human rights and national commitments to the EU.

Among the more important debates was the one related to the amendments to the Law on Bulgarian Citizenship. Following the European Commission's report on Citizenship and Residence Schemes against investments implemented in some countries, including Bulgaria, amendments to the Law were introduced in order to eliminate the opportunity of granting citizenship against investments. At the end of January 2019, the Ministry of Justice announced a bill to applicable legislation, aimed at depriving TCN investors of the opportunity to apply for Bulgarian citizenship due to their investments.

The draft bill resulted from a working group set up by the Minister of Justice on 15 February 2018 with the task of preparing proposals for legislative changes regarding the opportunities and procedures for acquiring Bulgarian citizenship.

The working group identified several sets of issues in the legislation in force, such as:

- Cases of early liquidation or lack of investment and lack of 'significant' investment;
- Non-reasoned citizenship proposals in the merit or interest of the state;

¹² Official results by the Central Election Commission: <https://results.cik.bg/ep2019/rezultati/>.

¹³ Sources: internet campaigns of candidates.

- Lack of procedural timetable for additional checks;
- Very long procedural deadlines, including consultation procedures.

Following these findings, these proposals were set:

- Restrictions for TCN investors;
- Obligation to state reasons in the proposals for granting citizenship under Art. 16 of the Law on Bulgarian Citizenship¹⁴;
- Optimisation of the process of verification of relevant circumstances;
- Shortening the time limits for examining citizenship applications and consultation¹⁵.

Within the public discussion of the bill, the Association of the Organisations of Bulgarian Employers (AOBE) expressed its position. In its opinion, the AOBE states that

“Although no direct link is announced between this bill amending and supplementing the Law on Bulgarian Citizenship and the European Commission Report on Investment Programmes in EU Member States, such is indirectly present. The arguments in favour of this are, first, the public announcement of the changes being made two days before the publication of the Commission's official report on 24 January 2019, and, second, the explicit mention in the report of the working group to the Ministry of Justice. *In this concern, attention should be paid to the recommendations of the European Commission to Member States implementing economic policies on investment and immigration.* These recommendations do not dictate the cessation of such policies (such as the sovereign right of each country), but provide a set of measures aimed at optimising national investment programmes. This optimisation outlines a new framework in line with EU legislation, aiming at achieving higher levels of security, control, reducing the risk of corruption, circumventing tax legislation and significant transparency and publicity.

The present Law amending and supplementing the Law on Bulgarian Citizenship is a counterpoint, on the one hand, to the position of the EU competent authorities and, on the other, to the objective economic situation. The proposed changes are in the final spectrum of the necessary legal amendments. The proposals are not justified by the available factual circumstances, which would have significant negative consequences.

With regard to the above mentioned, it would be appropriate **to take legislative measures to improve and optimise the legal framework in order to preserve the opportunities for foreign investors** to apply for citizenship. A positive example are the proposed changes to the present law in order to shorten the timeframe for consultation procedures, as well as the introduction of new powers of the competent authorities to further check the circumstances relevant to the procedure.

In addition, the implementation of new measures for current and ex-post control over investments would eliminate the potential for abuse in the application procedure for Bulgarian citizenship.

Last but not least, the involvement of the State and the competent institutions in publicizing the *Bulgarian Economic Program for Investment and Immigration*, as well as pursuing a targeted policy

¹⁴ Law on Bulgarian Citizenship, Art. 16 „A person who is not Bulgarian citizen may acquire Bulgarian citizenship without the presence of the conditions under Art. 12 if the Republic of Bulgaria has an interest in his naturalisation or if the person has special contributions to the Republic of Bulgaria in the public and economic areas, in the areas of science, technology, culture and sport.“

¹⁵ <https://www.bia-bg.com/standpoint/view/25439/>

for its development, would help to increase the confidence and interest of foreign investors. The latter circumstance would naturally develop the potential of the economic instrument and would significantly increase the flow of foreign direct investment to the Republic of Bulgaria”.¹⁶

The Law amending and supplementing the Law on Bulgarian Citizenship has been adopted at first reading by the National Assembly.

In 2019, a study report was published by Professor Anna Krasteva, with the assistance and participation of a team from Caritas Bulgaria, Global Migration Policy Assistants and Caritas Europe. The study report is part of the “Migration, Interaction, Development” Initiative, where Caritas Bulgaria is involved, along with 11 other Caritas organisations from 11 EU Member States. The study is entitled “*The Bulgarian Migration Paradox. Positive integration of migrants and negative political discourse*”. It is comprehensive in terms of the Bulgarian migration phenomenon, covering analysis of the migration profile in Bulgaria, the integration of migrants, the integration of persons with international protection, the link between migration and development, trends and recommendations. The report contains an analysis of the current situation, policies and debates in Bulgaria related to migration and development and the interconnection between them. It describes the national migration context as it moves towards migration-based development and emphasises the key contribution of contemporary migration, immigrants and expatriates, to the economy, society, labour market and culture. The publication identifies major obstacles to the full contribution of migrants to development, as well as opportunities to facilitate and enhance migrants' own development, the contribution of migration to development, and shared responsibility and accountability. It stresses the potential for development that migration has and the need to ensure policy coherence to maximise the benefits of immigration for both migrants and society at large¹⁷.

Several major conclusions are made regarding migration in Bulgaria. First, three migrant communities emerge, crucial to the link between migration and development in Bulgaria – refugees, immigrants and Bulgarian emigrants. The migration context outlines Bulgaria's profile as an emigrant country both in terms of flows and volume of migration pressure. According to the statistics used for the analysis, the numbers of these three groups are very different. The number of refugees who, after receiving international protection, are established in Bulgaria is extremely low – 1,000–2,000 persons by estimates; immigrants' number is 150,000, and Bulgarians who have emigrated abroad are about 1.3 million.

The huge emigration, on the one hand, is a loss of demographic, social, educational and democratic capital, and on the other, it contributes greatly to development with significant cash transfers. For their part, returning emigrants are reintegrating into Bulgaria thanks to their own efforts and the activity of return organisations, but only to a much lesser extent by the help of state policies.

Immigration is low in numbers — about 15,000 or 2% of the population. It is well integrated in work, linguistic, cultural and social aspects.

The refugee community is characterised by a large discrepancy between the number of beneficiaries of international protection and the number of others, which is estimated to not exceed 2,000. For refugees, Bulgaria is and will continue to be a transit country. The reasons are complex, but the basic two are economic and political — Bulgaria is the poorest country in the EU; there is a

¹⁶ <https://www.bia-bg.com/standpoint/view/25439/>

¹⁷ <https://caritas.bg/novini/news-caritas/balgarskiat-migratsionen-paradoks-cb/>

lack of a sufficiently effective refugee integration policy and a clear consistent political will to improve it.

The migration context outlines Bulgaria's profile as an emigration country in terms of flows and volume of migration pressure, with emigration permanently outweighing immigration while the migration balance is negative. Several sets of recommendations are made at the end of the report. First, with regard to policies, to increase the State's commitment to the integration of persons with international protection; to conduct regular monitoring of migration, asylum and integration policies and to broadly inform stakeholders, the media and public opinion in order to increase the accountability of institutions and catalyse the successful implementation of policies; to create an open-access database for migration and refugee studies. Regarding the improvement of access to the labour market, the research recommendations include: promoting social entrepreneurship and providing incentives to companies employing refugees; multiplying and regulating the forms of continuing training for refugees in areas of shortage and demand for workforce with coordinated efforts of the Employment Agency and international and non-governmental organisations involved in this field, etc.¹⁸

¹⁸ <https://caritas.bg/cms/wp-content/uploads/2019/05/Migracionen-paradoxEng.pdf?x10535>

3. LEGAL MIGRATION

3.1. General Overview

The implementation of policies for managing legal migration in the Republic of Bulgaria is subject to the priorities of the National Strategy for Migration, Asylum and Integration, 2015-2020, as well as to the priorities of the European Agenda in this field.

One component of the 2019 Action Plan for the Implementation of the National Migration Strategy was dedicated to activities related to the implementation of priority national policies in the area of legal migration.

In the area of migration related to employment, in 2019 there was a trend towards an increase in the number of applications submitted by employers and permissions provided for access to the Bulgarian labour market, compared to 2018. Most notable is the increase in permits for seasonal workers for a period from 90 days to 9 months. These data should be seen in the context of the recent trend of decreasing unemployment and relative economic stability in the country.

According to the data of the National Statistical Institute, in 2018 the employment rate for the population aged 20-64 was 72.4%, or 1.1 percentage points higher than in 2017. During the fourth quarter of 2019, the employment rate for the population aged 20-64 is 74.9% and the unemployment rate is 4.1%. In 2018 this ratio was 5.2%.¹⁹

The National Employment Agency is responsible for the implementation of protection policy and regulated admission of TCNs for the labour market in Bulgaria. Within its competence is to apply national legislation and administrative procedures provided for therein in respect of the employment in accordance with the legislation and practice of the European Union.

In 2019, a number of 2,812 workers who are nationals of 61 third countries, have been granted access to the Bulgarian labour market. Most of them, 1,129 decisions, are on the ground of a “Single Residence and Work Permit”. Compared to the same period of year 2018, their number was 636.

Employment decisions have been provided concerning the issuance of a Seasonal Worker Permit to 806 foreigners, the number of which was 219 in year 2018. The Blue Card has been granted to 370 TCNs; 469 work permits have been issued to seconded persons while some 38 TCNs have been transferred by internal corporate transfers.

There was a trend in 2019 towards a decrease in the decisions to reject access to the national labour market of TCNs. Denial of 16 access decisions were issued, compared to 35 in 2018.

Most access decisions were granted to citizens of Ukraine – 559 (mainly as seasonal workers, engineering and technical staff, seconded specialists); followed by the Republic of Turkey – 403 (seconded specialists, engineering and technical staff, secondary technical staff, seasonal workers); the Kyrgyz Republic – 349 (seasonal workers, workers in the manufacturing industry); the Republic of Uzbekistan – 177 (seasonal workers, workers in the manufacturing industry); the Russian Federation – 158 (engineering and technical staff); Republic of Moldova — 103 (seconded employees, seasonal workers); North Macedonia – 96 (semi-qualified technical staff, seasonal workers); USA – 84 (high school or secondary school teachers, athletes) and other countries.

¹⁹ <https://www.nsi.bg/>

In 2019, a number of 370 TCNs received a National Employment Agency decision in connection with the issuance of an EU Blue Card. The majority of them are from Russia — 113, followed by Ukraine — 69, Cuba — 32, Turkey — 30, India — 23, Serbia – 20 and China – 16. Their professional spheres are in IT sector, engineering, business management etc.

During the reporting period, short-term employment of 11,932 TCNs was registered, of which 489 were posted up to 90-day contracts for a work on the territory of Bulgaria. The most posted were citizens of Turkey – 222, Ukraine – 87, Moldova – 57, North Macedonia – 55, etc.

The tendency of short-term employment of TCNs workers registered by the Employment Agency continues to increase compared to 2018 (9,044) as the procedure has been streamlined. A seasonal employment of up to 90 days was registered for 11,443 TCNs from 14 countries in 2019 as on 2,894 employer declarations submitted. Data of these show that 8,796 are citizens of Ukraine, 973 citizens of Moldova, 678 citizens of Kyrgyzstan, 259 citizens of North Macedonia, 238 citizens of Russia, 117 citizens of Belarus, 78 citizens of Turkey, 49 citizens of Serbia, 48 citizens of Uzbekistan, 24 citizens of Azerbaijan and others.

On 30 September 2019 in Tbilisi, an intergovernmental agreement was signed between Republic of Bulgaria and Georgia on regulation of labour migration between the two countries (promulgated, State Gazette 93/2019), which entered into force for both parties on 5 November 2019. Consultations are underway on procedures for its implementation.

Despite the increased number of permits for access to the Bulgarian labour market for TCN workers (from 61 countries), their number is still limited and mostly concentrated in several economic sectors. There are still no comprehensive projections or estimates of the potential impact by types of employment.²⁰

3.2. Policy Development and Legislative Amendments

The **Law on Foreigners in the Republic of Bulgaria** was amended in 2019²¹ due to the need to refine some texts and eliminate imperfections in several provisions of the Law as well as of the *Law on Bulgarian Personal Documents* and the *Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens who are not Bulgarian citizen and their family members*.

The Transitional and Final Provisions of the Law Amending and Supplementing the Law on Foreigners in the Republic of Bulgaria (promulgated in the State Gazette, issue 34 of 2019) amended the *Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens who are not Bulgarian citizen and their family members*.²²

These amendments broadened the scope of this Law to include a new category of persons - family members of a Bulgarian citizen who are citizens of the European Union and have exercised their right of free movement. Such category has lacked legal regulation so far. It also provided a change in the categories of persons and cases when proving a residential address would be required.

This filled out the lack of legal framework for issuing residence certificates to family members of Bulgarian citizens who are citizens of the European Union as well as the lack of such regulation

²⁰ Provided information is a report of the Action Plan for Implementation of National Migration Strategy for 2019.

²¹ <https://www.lex.bg/laws/ldoc/2134455296>

²² <https://www.lex.bg/laws/ldoc/2135535758>

regarding denying the right of residence on the territory of the Republic of Bulgaria in case of established and proven fictitious cohabitation or fictitious marriage.

In concern with the amendments to the *Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens who are not Bulgarian citizen and their family members* and the *Instruction on order and organisation for issuing documents and certificates under this law* was also changed as to synchronise it. This aims at removing the additional administrative burden. The requirement to submit documents for a residence address when issuing a certificate of long-term or permanent residence of a certain category of persons falling within the scope of the Law is no longer required. Such will be issued if only requested by the EU citizens and their family members for a prolonged or permanent residence certificate.

In regard to labour migration in the country, the provision of Art. 24, Para. 1, item 6 was refined, including additional guarantees for limiting the number of sales representatives, in order to prevent the possibility of circumvention of the Law, upon obtaining a long-term residence permit in the country. This is done by increasing the requirements for obtaining the residence status of TCNs who are representatives of a foreign company. As before the amendments, TCNs who hold a visa and are representatives of a foreign trade company registered by the Bulgarian Chamber of Commerce and Industry (BCCI) can obtain a prolonged residence permit. The new texts of the Law supplement the requirements by requiring verification and evaluation of submitted documents for economic activity and tax clearance certificate for a period of two years before registration. Such permission may be obtained by no more than three representatives for each foreign trade company, and the Bulgarian Chamber of Commerce and Industry shall promptly notify the Migration Directorate of the Ministry of Interior in the event of a change in the circumstances of the registration of the representation.

As a result of the legislative exemptions by the Implementing Regulations of the Law on Foreigners in the Republic of Bulgaria provided for in 2018, an increase of 61% in the number of issued permits for prolonged residence and work has been registered.

The interest of TCNs - highly skilled workers within the meaning of the Law on Labour Migration and Labour Mobility - to reside in the Republic of Bulgaria has increased significantly (by 36% compared to the previous reporting period).

At the end of the year 2019, a bill amending the Law on Foreigners in the Republic of Bulgaria was prepared, aiming at a more harmonisation of national legislation with the provisions of the Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 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 as well as with the provisions of the Blue Card Directives, intra-corporate transfer and seasonal employment.

Moreover, the changes to Article 24k, Para. 5 and Art. 33k, Para. 5 reduced the administrative burden for certain categories of TCNs - highly skilled workers and seasonal workers, in terms of their residence in the country. The aim is to bring more clarity to the provisions of the law, containing references to the Law on Labour Migration and Labour Mobility, which are unclear and create a need for interpretation. It reduces as well the administrative burden for certain categories of TCNs - highly skilled workers and seasonal workers, regarding their residence in the Republic of Bulgaria.

In 2019, measures have also been taken to prepare legislative texts to regulate the conditions for residence of British citizens upon the withdrawal of the United Kingdom from the European

Union, with or without agreement. The legislative amendments to the no-deal option were adopted by the National Assembly on 12 April 2019 with the Law on Foreigners in the Republic of Bulgaria and enter into force on the day following the withdrawal of the United Kingdom. In this direction, amendments have been prepared to the *Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens who are not Bulgarian citizen and their family members*, which are to be adopted by the National Assembly in 2020.

4. INTERNATIONAL PROTECTION, INCLUDING ASYLUM

4.1. General Overview

The tendency of the 2019 Bulgaria's policies in the field of international protection and asylum continued to occur under conditions of decreased migration pressure.

The State Agency for Refugees with the Council of Ministers (SAR), the responsible institution for international protection in Bulgaria and for implementing a complex of measures for the adaptation and initial integration in the Bulgarian society, continued in 2019 to focus its efforts in improving the various stages of proceeding for granting international protection, refining asylum legislation and other.

In 2019, the accommodated persons seeking international protection in the territorial units of the State Refugee Agency occupied an average of about 8% of the total accommodation capacity. Throughout the year, the number of TCNs accommodated varied between 329 and 490.²³

There is a decrease of 15% in applications for international protection, compared to the year of 2018. The procedure for applications for international protection of 2152 persons has been completed and 481 have granted it. A number of 306 applications were rejected, while for 1,041 persons the proceeding has been terminated. The protection granted by the Republic of Bulgaria to 2,608 persons was terminated as it was established that these persons did not actually enjoy the rights of protection granted in our country.

The highest number of asylum seekers in the Republic of Bulgaria in 2019 remained citizens of Afghanistan (46%), Syria (23%), Iraq (14%), Pakistan (4%) and Iran (4%). Same countries of origin were in the Top 5 in 2018 as well, when Iraqi were second in the number of submitted applications (25%), followed by Syrians (20%).

The trend of 2019 remains as it was observed in previous years when the highest number of applications for international protection being submitted by men between the ages of 18 and 34.

In concern with the EU Dublin III Regulation (Regulation (EU) No 604/2013) implementation, a total of 3,088 requests for readmission and liability were received in 2019. The trend to reduce inquiries from other EU Member States continues as for comparison, in 2018 the inquiries from other Member States were 3,450.

The highest number of inquiries was received from France, Germany and Austria, as well as in the previous 2018 year, when most inquiries (1,164) came from France. There is a significant decrease in the inquiries from Germany – to 650 from 1,007 in the year of 2018. Inquiries from Austria are increasing compared to these from 2018 - 244 in 2018 to 297 in 2019.

The number of received readmission requests decreased as in 2018 it was 3,366 while in 2019 stood for 2,934 totally.

In 2019, a total of 3,081 responses to requests for readmission and acceptance were sent, of which 2,118 were negative and 963 were positive.

During the reporting period, 460 individuals were for transfers to the Republic of Bulgaria, and 73 incoming transfers were really made. The highest number of transfers requested in 2019 came from Germany – 277 as only 21 in fact occurred. Then 17 from Austria and 15 carried out. Transfers

²³ Report of the 2019 SAR Activities, <http://www.eref.government.bg/en/node/17>

of 88 from France and only 7 arrived. From the Czech Republic were 10 persons and 4 received, from the Netherlands – claims for 29 persons and 8 arrived. From Slovakia were 5 persons, from Poland - 5 persons, the rest were from Romania, Switzerland and Sweden. The United Kingdom has declared the transfer of 10 people in 2019, but none of them has been transferred to the Republic of Bulgaria²⁴.

4.2. Policy Overview and Legislative Amendments

The trend of improving the quality of international protection activities was kept in 2019 besides Bulgaria continued to participate actively and contribute to the preparation of positions on legislative proposals for reform of the Common European Asylum System (CEAS).

The Republic of Bulgaria participates regularly and actively in the EASO Management Board Meetings. In 2019 the number of joint activities with EASO has decreased as a consequence of the expiry of the third EASO Special Support Plan to Bulgaria. The Plan was reported to have achieved its objectives. The Republic of Bulgaria continues its participation in the work of main bodies and networks of EASO.

During the year of 2019, SAR experts participated in four meetings and conferences organised by EASO in the field of information for countries of origin (meetings of networks for Iraq, Syria and Pakistan, and a strategic meeting of networks). SAR experts also took part in the work on the EASO pilot project “Guidelines for Countries of Origin” regarding the development of guidelines for Afghanistan and Iraq.

In executions of the EASO operational plans to support EU Member States whose international protection and reception systems are subject to disproportionate pressure, the SAR coordinated during 2019 the selection and deployment of experts in three countries – Greece, Italy and Cyprus. There 8 missions were carried out with an average duration of 2 months for Bulgarian experts seconded in these countries to support them. The form of holding monthly coordination meetings with international and non-governmental organisations continued successfully where to discuss issues related to the provision of international protection and social adaptation, as well as the activities of international and non-governmental organisations.²⁵

Resettlement programmes

In fulfilment of its resettlement commitments, SAR with the Council of Ministers organised and coordinated practical activities as well as was interacting with all partners involved in the process - with the UNHCR-Turkey, the Ministry of Foreign Affairs and Ministry of Interior and other partners to the Agreement. The established organisation and excellent interaction sustained vigorously the process of timely transfer of applicants for international protection. The activities listed in the National Resettlement Mechanism Framework are being rigorously implemented.²⁶ A team for selection comprising experts from the SAR, the State Agency for National Security (DANS), the Ministry of Interior and mediator consultants carried out several missions to Turkey for conducting interviews with the candidates for resettlement and to assist the Syrian citizens in their travel to the Republic of Bulgaria.

Social orientation and cultural awareness missions were also conducted in 2019, to familiarise the candidates with the customs and manners of our country, as well as with the conditions in the

²⁴ Report of the 2019 SAR Activities, <http://www.aref.government.bg/en/node/17>

²⁵ Report of the 2019 SAR Activities, <http://www.aref.government.bg/en/node/17>

²⁶ <https://mvr.bg/nsmgui/%D0%B4%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D0%B8>

territorial units of the Agency. On the territory of the Republic of Bulgaria the resettlement applicants are welcomed by SAR staff and are accommodated in the designated territorial unit.

In 2019, a number of 64 persons were resettled in Bulgaria from the Republic of Turkey. The total number of resettled in Bulgaria is 85 persons so far.²⁷

Legislation

In 2019 several amendments occurred in the Law on Asylum and Refugees²⁸, in a consequence of amendments in the Law on Foreigners in the Republic of Bulgaria and the Law on Child Protection. Some of them are related to the regulation of the status of family members of persons with refugee and humanitarian status in the Republic of Bulgaria. Under the new provisions, family members of these persons are granted the same status as them, as long as their family ties precede their entry into the territory of the country and there are no other circumstances preventing them from doing so. Other changes concern unaccompanied minors seeking or receiving international protection (ref. “Unaccompanied Minors” of this report).

Amendments in 2019 were made to the *Implementing Regulations of the Law on Foreigners in the Republic of Bulgaria*. They stem from the changes in this Law and in the Law on Child Protection. This regulates the procedure for family reunification and introduces requirements for necessary documents for the TCNs with international protection, asylum and temporary protection.

In late 2019 a procedure started for new changes into the Law on Asylum and Refugees²⁹. The European Commission has identified gaps in the national system of international protection which are related to the incomplete and inaccurate transposition of specific provisions of European legislation. The Commission's criticisms pointed mainly on providing more legal and procedural guarantees to asylum seekers, with a greater focus on individuals from vulnerable groups, and in particular for unaccompanied minors. The Republic of Bulgaria has initiated infringement proceedings No 2015/0363 (under the Procedural Directive) and No 2018/2123 (under the Procedural Directive and under the Receiving Directive), with recommendations for the introduction of specific provisions. This necessitates the introduction of new texts in the Law on Asylum and Refugees in order to comply with the recommendations of the European Commission and to terminate infringement procedures.

The rationale is also dictated by the need to refine the national legislation in the field of international protection, in view of the practical experience gained over the years in the application of the Law on Asylum and Refugees. The lessons learnt/lessons identified show that the current legal framework and procedural rules delay and complicate the application processing, which will be a problem with increased migration pressure and if excessively large number of applications are submitted simultaneously. In view of the unpredictable long-term migration and refugee situation, it is necessary to have procedural rules in place to ensure the efficiency and effectiveness of the lawful procedure.

The proposed amendments and additions to the Law are refining and supplementing the provisions so that they are in accordance with the European legislation and the recommendations of the European Commission on open infringement procedures.

²⁷ Report of the 2019 SAR Activities, <http://www.aref.government.bg/en/node/17>

²⁸ <https://lex.bg/laws/ldoc/2135453184>

²⁹ <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=4839>

According to the Commission's recommendations, the concepts of “first country of asylum” and “safe third European country” should be introduced into national law, and provision should be made for an appropriate procedure if a TCN comes from such countries. The definitions of “safe country of origin” and “third safe country” are also required. The proposed amendments to the law implement the recommendations and introduce the necessary definitions for the parties. It is proposed that the applications in these cases be considered admissible in accordance with Art. 13, Para. 2, which is in accordance with the provisions of the Procedural Directive. In accordance with the recommendations, it is foreseen to examine the existence of a link between the TCN and the third safe country concerned, subject to an individual security check in the country for the respective candidate. The obligation to duly inform the applicant when a country is considered as secure, as well as guarantees of access to the procedure should be introduced in the event that the TCN is not admitted to the territory of the third country concerned.

The amendments to the Law on Asylum and Refugees provide for the suspension of procedure for granting international protection as a step in the process. The European asylum law does not provide such an intermediate stage. The provisions for staying the proceedings were introduced in the Law in 2002 under other conditions and before the accession of the Republic of Bulgaria to the European Union. Under the current procedural rules, proceedings that have been stayed may be terminated after a period of 3 months has elapsed. Practice shows that waiting for these 3 months is an unjustifiably long period and it is not legitimate the TCNs in unknown during this period to enjoy the rights granted under the Law on Asylum and Refugees to asylum seekers. The grounds for suspension in the current Law, by their very nature, constitute grounds for termination of the procedure for granting international protection provided for in Art. 28 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. For these reasons, the text of Article 14 regarding the suspension of proceedings to be repealed and its envisaged cases to become grounds for termination in Article 15.

Directive 2013/32/EU provides for an alternative for EU Member States, where there are grounds for termination of proceeding, to consider the application as unfounded. Provided that it is duly considered with all relevant facts, examined evidence and considered circumstances related to the country of origin and the individual situation of the applicant. This opportunity should be introduced into national law, given the fact that asylum seekers perceive our country as transit and abuse the right to seek protection by illegally leaving the country during the proceedings. According to the current legal regulation, the administrative body, in terms of circumscribed powers, can only terminate the proceedings, even after having performed all the necessary actions related to the clarification of the TCN's personal refugee history and completed all legally required procedural actions to collect enough evidence of the issuance of a reasoned individual administrative act.

In the light of the foregoing reasons, it is proposed to create a new paragraph in Art. 15, which provides that, under certain conditions, the proceeding may not be terminated, but the request of the applicant for protection, after appropriate consideration and assessment of all relevant facts, documents and circumstances relating to the TCN's personal situation and his/her country of origin, be dismissed as unfounded by an individual administrative act subject to judicial review. The decision is intended to be subject to judicial review.

The Procedural Directive provides for the opportunity that the proceedings be resumed within a maximum of nine months after termination if an applicant again requests examination for protection.

European legislation does not require the resumption to be carried out by an explicit administrative act as provided for by national law.

Article 77 of the current Law regulates the opportunity of resuming the procedure for granting international protection through an individual administrative act, which unduly slows down the procedure. The individual administrative act, which reopens the proceedings, leads only to positive legal consequences for the applicant and in this sense does not need to be subject to judicial review. For the sake of procedural economy and in the light of the foregoing, a new revision of the text has been proposed. The procedure for the resumption of discontinued production is distinguished as a fiction, namely the production is considered to be resumed at the express wish of the TCN. This creates the conditions for prompt and timely consideration and adjudication of applications for international protection.

Chapter IV of the Procedural Directive concerns procedures for withdrawal of international protection. Withdrawal of international protection within the Procedural Directive means the decision by which the competent authority withdraws, suspends or refuses to renew refugee or humanitarian status. Pursuant to Article 44 of the Procedural Directive, EU Member States shall ensure that consideration may be given to withdrawing the international protection of a particular person when new elements or facts arise which show that there is a justification for reviewing the validity of international protection. Article 45 refers to the grounds for revocation under Art. 14 and Art. 19 of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 (Qualification Directive). The grounds under Art. 14 and Art. 19 of the Qualification Directive include as explicitly stated the termination clauses in Art. 11 of the Directive, which are identical to the envisaged termination clauses in Article 1c of the 1951 Refugee Convention, and Art. 16 of the Directive as well as other grounds for withdrawal, termination or refusal of renewal. Article 45 of the Procedural Directive, in Paragraphs 1-4, provides for procedural safeguards and rules to be followed for withdrawal of protection, and Paragraph 5 provides for an exception to the application of the grounds and rules for withdrawal of protection. In accordance with Paragraph 5, EU Member States may decide that international protection is no longer valid if the beneficiary of the international protection has unambiguously refused to be recognised as such. In accordance with the Procedural Directive, Article 17 of the bill introduces a similar possibility for termination of granted international protection, which is not done automatically, but proceedings are conducted with all procedural guarantees, including judicial review.

The European legislation provides that EU Member States, as soon as possible after granting international protection, issue residence permits and relevant travel documents to the recipients of the protection. According to the Bulgarian legislation, the residence permit on the territory of the Republic of Bulgaria is objectified in the issued Bulgarian personal documents of foreigners with international protection granted. The issuance of national documents to beneficiaries of protection is a bilateral process, initiated by the person on the basis of a model application.

In order to improve the administrative control over persons granted international protection in the Republic of Bulgaria, amendments and supplements to Chapter IV “Rights and obligations of foreigners seeking or receiving international protection” have been proposed, with legal and additional provisions in sections III and IV on the rights and obligations of protected persons. This includes the right to reside on the territory of the country and their obligation within 30 days after entry in the population register to apply for Bulgarian personal documents. The purpose of the

changes made to the cited sections is to guarantee and raise awareness of the beneficiaries of their obligation to arrange their legal stay on the territory of the country.

Pursuant to the recommendations of the European Commission, the bill clarifies the text of Art. 63 concerning the collection of information on persons seeking or receiving asylum. A distinction has been made between the case of a ban on the provision and/or disclosure of information to persecuted persons within the meaning of Art. 8, Para. 3 and to the entities, which commit grave violations within the meaning of Art. 9, Para. 2, and the case prohibiting the collection of information from the above entities.

Amendments to Chapter VI, Section Ia, “Proceedings to Designate the State responsible for examining the application for international protection. Transfer” have been proposed. The provisions currently in force concerning the conduct of proceedings under Regulation (EU) 604/2013 (Dublin Regulation) provide for the issuance of individual administrative acts at the initiation of proceedings, upon the admission of a TCN to the Republic of Bulgaria under that Regulation, and at the transfer of an TCN in another Member State competent to examine the application for protection. The latter type of decision is the only binding and judicial review under that Regulation which, subject to the general rule, is directly applicable. In this sense, the provisions of the Section have been revised, with the aim of starting the procedure immediately after establishing competence to consider an application for international protection from another Member State, as soon as possible, in accordance with the principle of speed and procedural economy. The streamlining of that procedure is required because of the short deadlines provided for in the Regulation on the exchange of information between Member States on a case-by-case basis. Non-compliance with the foreseen deadlines leads to a change in responsibility concerning TCNs and, consequently, an additional burden for EU Member States.

Amendments to Chapter VII “Judicial Control” have also been proposed with the aim of clearer regulation by systematising the opportunities of appealing against decisions on asylum applications. In accordance with a recommendation from the European Commission, a provision of the Procedural Directive has been transposed, which provides that in the event of a subsequent request for proceedings, the court will decide at the request of the TCN or of its own motion on the right to stay in the territory of the country until the appeal is decided. It is envisaged that until the entry into force of the amendments and supplements to the Law, the proceedings will be dealt with according to the current rules.

Adopting the above changes will eliminate the gaps in the national system of international protection by refining the provisions in line with the recommendations of the European Commission, thus ending the opened infringement procedures.

The proposed amendments will also provide the necessary procedural guarantees for international protection seekers, especially regarding the respect for the best interests of one of the most vulnerable groups of persons, namely the unaccompanied minors, and provide for legal arrangements and mechanisms in place to ensure that protection proceedings are carried out in compliance with the conditions of legality and quality. The requirement for information on the rights and obligations of asylum seekers and recipients in the Republic of Bulgaria will also be fulfilled.

Some practical difficulties in implementing the law, which could be a problem in the context of increased migration flow, will also be overcome. The amendments envisage the introduction of the European legislation in the Law on Asylum and Refugees. In connection with infringement procedure No 2015/0363 of the European Commission under Directive 2013/32/EU (Procedural Directive), the

national legislation introduces Art. 30, Art. 38, Para. 2-4, Art. 39, Para. 6 and Art. 46, Para. 6. The infringement procedure No 2018/2123 under Directive 2013/32/EU and under Directive 2013/33/EU (Reception Directive) introduces necessary provisions to ensure the legal and procedural guarantees of asylum seekers, in particular as regards unaccompanied minors³⁰.

³⁰ <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=4839>

5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1. General Overview

The policies for taking care of unaccompanied minors in the Republic of Bulgaria are constantly improving. A guiding principle and understanding in dealing with unaccompanied minors is that they are children at risk and as such, national legislation guarantees access to the measures and activities regulated by the Law on Asylum and Refugees, the Law on Child Protection and subsidiary by the Law on Foreigners in the Republic of Bulgaria, as well as by the provisions on the best interests of the child referred to in Art. 11 and Art. 23, Para. 2 of the Reception Conditions Directive and Art. 25, Para. 6 of the Asylum Procedures Directive.

The assessment of the best interest is made for each unaccompanied minor TCN, and the findings are set out in a separate document. This assessment is carried out by all bodies involved in the admission of unaccompanied and those in an international protection procedure. The evaluation involves identifying immediate actions to target specialised care and services and ensuring that their special needs are met. It is based on the need for protection and a long-term and sustainable solution. The assessment ensures that the unaccompanied minor can live in an environment that meets his/her needs and respects his/her rights.

In 2019, a total number of 524 TCN unaccompanied minors applied for international protection. This is an increase compared to 2018, when applications by unaccompanied minors were 481. International child welfare assessments have been made to assess the best interests of the child. The fast best interest exams were 349 while the throughout ones were 37. The working standard is according to the EASO standard for identification of persons with special needs. After the needs assessment is completed, the persons are referred to specialised care.³¹

Last year, the Interior Ministry officials identified 207 unaccompanied minors, mostly Afghans, who were treated under the Law on Child Protection.

5.2. Policy Overview and Legislative Amendments

Unaccompanied minors seeking or receiving international protection

In 2019, the efforts of the competent institutions to improve coordination between them continued in order to increase their effectiveness in the care of unaccompanied minors seeking or receiving asylum in Bulgaria. The Coordination mechanism for interaction between institutions and organisations in cases of unaccompanied or separated minors residing on the territory of the Republic of Bulgaria, including children seeking and/or receiving international protection, **is not formally approved. However in practice** it works because all the activities, measures and responsible bodies involved are those provided by law. In its essence, this mechanism is a systematic methodology for facilitating work that provides clear answers to the questions of someone, while observing the various laws and regulations that concern the care of unaccompanied minors. Combining everything in one place, the mechanism provides a general picture of the commitments of the public authorities in the different procedures, drawn up in a logical sequence considering the stage of involvement. The

³¹ Data from the 2019 SAR Annual Report <http://www.aref.government.bg/bg/node/17>

connection of the mechanism with the law also determines its nature - it is updated periodically, in accordance with regulatory changes or when the practice of the institutions becomes necessary.

In 2019, the mechanism was updated once again, aiming to take into account the latest amendments to the Law on Foreigners in the Republic of Bulgaria and its Implementing Regulations.

In 2019, the working group continued to work on developing a methodology for assessing the age of TCNs who are illegally staying in the country. Determining the age of persons suspected of underage continues to be a challenge for institutions working with unaccompanied minors. In this regard, the development of a methodology and rules for determining age is an urgent need by 2020 as well.

One of the main priorities in implementing policies for unaccompanied minors seeking or receiving international protection is to ensure their safety and to provide them with adequate care. In accordance with the provision of Art. 29, Para. 10 of the Law on Asylum and Refugees, unaccompanied minors who have sought asylum are accommodated until the age of maturity in:

1. Family of relatives or close relatives, foster family, social service - resident type, or in a specialised institution under the terms and procedure of the Law on Child Protection;
2. Other accommodation facilities with special conditions for minors.

Minor applicants for international protection are not accommodated among unknown adults, but with their relatives, where it is possible, as long as it is in the best interest of the child. In this regard, in 2019, two safe zones were set up to accommodate unaccompanied minors and asylum seekers in the Republic of Bulgaria. One regional receiving centre at Voenna Rampa quarter – Sofia with a capacity of 100 bed places, and one in Ovcha Kupel quarter – Sofia with a capacity of 138 bed places. There are a permanent expert presence and a separate security service. It has been developed a specialised Methodology for the conditions and organisation of social support within safe zone for vulnerable persons seeking international protection.

A mechanism for appointing representatives of unaccompanied minors seeking international protection is in place in Bulgaria. With the amendments to the Law on Asylum and Refugees in 2015, the mayors of municipalities, where are presented unaccompanied minors seeking or receiving international protection, have to assign their representatives among the municipal administration officials. The staff appointed for unaccompanied minor representatives in the territorial divisions are mainly lawyers, education and social affairs professionals, secretaries of the local commission for combating the anti-social impact of minors, experts with experience in dealing with children.

The Law on Asylum and Refugees amendments currently under preparation envisage a new revision of Art. 25 on the representation of unaccompanied minors and juvenile TCN who have applied for international protection in the Republic of Bulgaria. The proposed revision complements procedural safeguards in accordance with the principle of the best interest of the child as provided for in Art. 25 of the Procedural Directive, and responds to the recommendations of the European Commission to further develop the provisions on representation of this vulnerable group of applicants for protection. In particular, it is envisaged that the unaccompanied child is informed immediately of his/her designated representative. The obligation of the representative is to assist in the international protection procedure, including to inform the minor of the meaning and possible consequences of the personal interview and, where appropriate, how to prepare for it. A provision is planned that a person may not become representative when their interests conflict with, or could possibly conflict with, the interests of the unaccompanied child. The representation of unaccompanied minors and TCNs by a

representative of the municipal administration may be implemented in cooperation with non-governmental organisations.

In order to improve the quality of special care for vulnerable persons in the procedure for international protection, activity-specific documents were introduced in 2019 and duly updated:

- a methodology for the conditions and manner of providing social support in the Safe Zone for unaccompanied minors seeking international protection - for the dormitories in Voenna Rampa and Ovcha Kupel, where Safe Areas were built;
- a form for identification and assessment of the needs of vulnerable persons.

It is guaranteed the right of health insurance during the procedure for international protection, as well as the assistance for registration with general practitioners (GPs). SAR experts assist individuals by accompanying them to diagnostic and consulting centres and medical entities.

The Refugee Agency applies a questionnaire for early detention of asylum seekers with a traumatic experience for identifying the special needs of vulnerable persons and directing them to adequate psychological and medical care. Psychological consultations and interviews are conducted, complex psychological assessments are made of the mental functioning of the identified vulnerable persons with special needs. Psychotherapy is applied, psychiatric consultations are performed and records are issued for the mental health consequences of trauma.

Torture survivors are referred by SAR social experts to psychologists and psychiatrists from non-governmental and international organisations offering appropriate assistance. In 2019, a number of 20 victims passed through the Questionnaire on the identification of asylum seekers. There are 40 people who have been referred and tested by psychologists.

Since 2008, the State Agency for Refugees is being implementing Standard Operating Procedures (SOPs) for persons who have been subject to sexual and gender-based violence. In 2018, these procedures were updated.³²

Unaccompanied minors who do not seek or receive international protection, and other vulnerable groups.

In the case of unaccompanied minors, the initial vulnerability assessment shall be carried out by the accommodating police officers at the time of placement in a special temporary accommodation facility on the basis of accompanying documentation, initial interview and medical examination. In the presence of medical indications of vulnerability, these are placed in the medical services of the facility. Families with children and women are accommodated in special separate rooms in a female ward, different from those for other adult males. In subsequent interviews with the accommodated persons, police officers and psychologists for support and recovery assess further the existence of indicators for vulnerability, such as physical violence, trafficking in human beings or other forms of violence.

Meeting the needs of persons from vulnerable groups is a top priority in the routines of the Special Homes at the Migration Directorate. These persons are subject to special care by the staff working in the special temporary accommodation facilities - interviewers, psychologists, medical professionals, security personnel. Persons with special medical needs are accommodated in the

³² <http://www.aref.government.bg/bg/node/17>

Medical Office of the Home (pregnant women, people with disabilities and chronic diseases) for the purpose of continuous observation by medical personnel. Patients with chronic illnesses are provided with diet and treatment appropriate for their needs. All in need are provided of access to specialised medical care, including specialised treatment.

Individuals from this category work on a daily basis with psychologists from the Institute of Psychology at the Ministry of Interior appointed at the facility, who monitor their condition and provide timely information to the authority. Any emergency need is a matter of priority and the aim is to minimise the stay of persons of this category in the facility.

The legal assistance has increased in time and scope and includes legal advice in conducting interviews, in serving the decision and in preparing the filing of an appeal against a refusal of international protection.

Unaccompanied minors, as well as minors who entered the country accompanied but who were abandoned lately may request protection under the amendments of 2019 to the Law on Foreigners in the Republic of Bulgaria. In case of rejection, a prolonged residence permit may be issued and permission may last until the age of maturity. After the age of 18, a TCN may stay for a prolonged time if humanitarian reasons are present. The director of the Migration Directorate or an authorised official shall competent to issue the permit after an assessment. The director of the Migration Directorate or an authorised official shall refuse permission for a prolonged time when it is established that they may be returned. The refusal shall be subject to appeal in accordance with the Administrative Procedure Code.

The amendments to the Implementing Regulations of the Law on Foreigners in Republic of Bulgaria, in connection with the amendments to the Law on Child Protection and the introduction of a new measure for the provision of social and integrated health-social services for residential care of unaccompanied foreign children, allow such children to acquire a prolonged residence status in Bulgaria until the age of 18 years.

6. INTEGRATION

6.1. General Overview

The policy of integration of immigrants who legally stay in the country is led in accordance with the Common Basic Principles for Immigrant Integration Policy in the EU. The balance between the rights and obligations of migrants in the Republic of Bulgaria is guaranteed. Integration policy is an integral part of country's state policy in the area of legal migration. The Republic of Bulgaria has modern, well-developed and effective legislation in the field of equal opportunities, social inclusion and non-discrimination, which is in full compliance with European standards. The Law on Protection against Discrimination fully introduces the provisions of the European Equality Directives by regulating the protection of all individuals in the territory of the Republic of Bulgaria against all forms of discrimination and at the same time contributes to its prevention and promotes measures of equal opportunities.

According to the current legislation (Article 3 of the Law on Labour Migration and Labour Mobility), the policy on free movement of workers, labour migration and integration of TCNs is carried out in cooperation and after consulting with national organisations of employers and employees, as well as representatives of other non-profit legal bodies registered under Chapter III of the Law on Non-Profit Legal Entities.

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

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

The integration of individuals who have received international protection in the Republic of Bulgaria is carried out in accordance with the Ordinance 208/12.08.2016 on the rules and conditions to conclude, implement and cease integration agreements with foreigners granted asylum or international protection.

6.2. Policy Development and Legislative Amendments

Integration of individuals seeking or receiving international protection in the Republic of Bulgaria

According to Ordinance 208/12.08.2016, the State Agency for Refugees with the Council of Ministers prepares an integration profile of the TCNs during their asylum or international protection procedure and presents the opportunities for concluding an integration agreement.

In 2019, integration profiles of were established for 79 individuals who claimed a wish to stay in Bulgaria after receiving refugee status or international protection. The largest part of them are Syrian nationals - 56, followed by Iraqis and Iranians.

In 2019, those who exercised their right of access to the labour market after the third month from registration were 77, and 61 TCNs seeking international protection began work.

At all stages of the procedure for granting international protection, experts from the Refugee Agency work with the parents of children accommodated in its territorial units. Developed information materials on the right of access to the education system and through discussions and explanations encourage parents to enrol their children in Bulgarian kindergartens and schools.

By the end of 2019, four children were enrolled in kindergarten and 101 children were enrolled in Bulgarian state and municipal schools. For the school year 2018/2019 additional training in Bulgarian as a foreign language was provided to 62 students seeking or receiving international protection. During the reporting period, the Ministry of Education and Science, together with UNHCR, conducted two trainings on “Effective social inclusion of children seeking and receiving international protection in the Bulgarian education system”. The trainings included a total of 60 teachers from the municipalities of City of Sofia, Harmanli, Nova Zagora and Svishtov.

Good practice for providing bus transport for children to and from school, accompanied by SAR experts continues.

In 2019, the SAR prolonged contracts with Bulgarian language teachers for the reception centres in Sofia and Harmanli. Language courses include between 7 and 21 international protection seeker. A number of 24 specialists worked in assistance under the project “Provision of psychological assistance, social mediation, adaptation activities and provision of social and health support to persons seeking international protection, accommodated in the territorial units of SAR”, financed by the Asylum, Migration and Integration Fund – Emergency Assistance.

During the year, a number of cultural and social events were held to integrate international protection seekers in Bulgaria.

About 155 music sessions were conducted with children from 4 to 18 years old and more than 40 events related to cultural orientation, which present the Bulgarian customs and manners.

Children from the SAR’s territorial units welcomed the apostolic journey of His Holiness Pope Francis on 6 May 2019 in the Vrazhdebna Centre-Sofia with a musical programme and drawings of their own which were presented as a gift to the Pope.

In 2019, the participation of international protection seekers in local and international festivals, including “Na Harmana” in Harmanli Municipality and the Vitosha International Folklore Festival, continued to be encouraged. Participations were also regular on holidays, such as 20 June – the World Refugee Day; the European Scientists Night etc. Individuals housed in the SAR territorial units have participated in various initiatives such as “Let's Clean Bulgaria Together”, “Graffiti Fest”, football tournaments and sporting events.

Besides the adopted practices for information flow so far, in 2019 was introduced an opportunity for international protection seekers to receive any information on the procedures

regarding health issues, family reunification, access to social services and the labour market, citizenship, and integration in the Republic of Bulgaria.³³

A Working Group on the Integration has been set up in Bulgaria and organised by UNHCR. The group meets regularly to create active links between government institutions and non-governmental organisations and to build a network in support of the integration of persons with humanitarian or refugee status.

At the beginning of 2019, UNHCR, in partnership with the Municipality of the City of Plovdiv, held a seminar on “Local Integration of Refugees: A Chance for Development”. The focus of the meeting was on the local integration of refugees and their potential contribution to the development of the local economy. Good practices and funding opportunities were shared. Throughout the year, UNHCR organised and held a job fair where employers from all over the country had the opportunity to meet with representatives of the refugee community in Bulgaria who are actively seeking work.³⁴

The study “*The Bulgarian migration paradox. Positive Integration of Migrants and Negative Political Discourse*”, cited above, provides working examples of civil society activities in Bulgaria for the successful integration of migrants and refugees. They are grouped into several categories:

- Promoting positive migration development as a factor of progress by involving refugees in the projects’ planning and implementation in support of them;

- Implementation of innovative initiatives with multiple participants - for example, the initiative to celebrate World Refugee Day in a central Sofia park.

- Diversification of forms of intercultural dialogue and mutual recognition. Thanks to the International Organization for Migration, Bulgaria is included in the Migration Film Festival.³⁵

³³ <http://www.aref.government.bg/bg/node/17>

³⁴ <http://www.refugee-integration.bg/wp-content/uploads/2019/05/%D0%98%D0%BD%D1%82%D0%B5%D0%B3%D1%80%D0%B0%D1%86%D0%B8%D1%8F-%D0%BD%D0%B0-%D0%B1%D0%B5%D0%B6%D0%B0%D0%BD%D1%86%D0%B8-%D0%B2-%D0%91%D1%8A%D0%BB%D0%B3%D0%B0%D1%80%D0%B8%D1%8F-%D0%90%D0%BF%D1%80%D0%B8%D0%BB-2019.pdf>

³⁵ <https://caritas.bg/en/news/caritas-news/the-bulgarian-migration-paradox-cb/>

7. CITIZENSHIP AND STATELESS PERSONS

7.1. General Overview

Citizenship

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

In its work, the committee is guided by the conviction that citizenship is the relationship of the person with the State and besides granting rights it covers a set of obligations. The Bulgarian citizenship is an affiliation to Bulgaria. Following a request of proposals for change of citizenship, each of the files is to be reviewed and, if necessary, additional data is to be gathered to certify the grounds for applying for citizenship or changing of citizenship.

Totally, 8,887 people acquired Bulgarian citizenship in 2019 and there were 201 decrees for changes in Bulgarian citizenship to 9,529 persons and 427 cases of renewing Bulgarian citizenship. On the other hand, 56 people did not receive restoration of citizenship, and 2,964 persons were rejected to Bulgarian citizenship on the proposals of the Minister of Justice or the Vice-President, supported by the commission. A naturalisation was cancelled for 4 persons because they hid facts and data which, if known, would be grounds for refusal, such as convictions.³⁶

7.2. Policy Development and Legislative Amendments

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

According to the provisions of the Law on Foreigners in the Republic of Bulgaria:

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

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

a) shares of Bulgarian companies, traded on a Bulgarian regulated market;

³⁶ <https://m.president.bg/bg/cat106/Mesechni-otcheti-grajdanstvo>; <https://www.monitor.bg/bg/a/view/5793-sa-poluchili-bg-grajdanstvo-za-pyrvite-9-mesece-na-2019-g-184770>

b) debentures and treasury bonds and their derivatives, issued by the state or by the municipalities with a maturity date after at least 6 months;

c) ownership in a separate part of the property of a Bulgarian company with at least 50 per cent state or municipal share in the capital under the Law on Privatisation and Post-privatisation Control;

d) holdings or shares, owned by the state or the municipalities in a Bulgarian company under the Law on Privatisation and Post-privatisation Control;

e) Bulgarian intellectual property - copyright or related rights subject-matter, patent-protected inventions, utility models, trademarks, service marks or industrial design;

f) rights under concession contracts on the territory of the Republic of Bulgaria;

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

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

According to the Law on Bulgarian Citizenship:

Art. 14a. Any person, who is not a Bulgarian citizen but meets the requirements under Art. 12, Para 1, items 1 and 3 (adult and non-convicted person), may acquire Bulgarian Citizenship by naturalisation if:

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

a) increased their investment under the same terms of the Law in amount of at least BGN 2 million or

b) invested into the capital of a Bulgarian trade company not less than BGN 1 million for completed by the company priority investment project, certified according to the Law on Investments Promotion.

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

In response, at the beginning of 2019, the competent institutions started a process on proposals for amendments to the Law on Bulgarian Citizenship in two main directions – the first is the acquisition of Bulgarian citizenship by origin, where the provisions of Article 13 of the law have to be more precise, and the second one is related to the opportunity of acquiring citizenship by naturalisation, through investment.

The proposed draft on amendments and supplements to the Law on Bulgarian Citizenship³⁷ targets for the following cornerstones:

³⁷ <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=4226>

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

Since the provisions of Articles 12a and 14a of the Law on Bulgarian Citizenship have been adopted in 2013 until now, the persons applying for the acquisition of Bulgarian citizenship on these grounds have been granted a permanent residence due mainly to the purchase of government bonds worth over BGN 1 million or have invested more than one million BGN in a licensed credit institution after a contract for respectively an increase of investment under the same conditions to BGN 2 million. However at the time of submitting the application for citizenship or at next stages of the proceedings, it appears that the investment is not available due to the sale of the purchased bonds or for other reasons. There are cases where, under a trust contract, the person does not have bank accounts and is not registered as an investor in the relevant bank designated by him for the investment of his capital in the form of cash or other financial assets. At the same time, these persons applying on the grounds of Art. 12a are exempt from the requirement to speak Bulgarian language and to renounce their previous citizenship in order to acquire Bulgarian one. Additionally, persons applying on the grounds of Article 14a are exempt from the requirement of a permanent residence of at least five years in Bulgaria (required not less than one year) and to have income or occupation enabling them to ensure their maintenance and to have Bulgarian language skills and to renounce their current citizenship in order to acquire Bulgarian citizenship.

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

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

The previous practice in the application of the law shows that there are cases in which it is necessary additionally to clarify facts and circumstances when examining the candidates for acquiring Bulgarian citizenship. These are related to the submitted documents or clarification of the circumstances under Article 19 of the Law by the responsible representatives from the Ministry of Interior and the State Agency for National Security (DANS) in the Citizenship Council. Therefore, a demand is made for the submission of additional documents by the applicants or to carry out a check. The required additional files are re-examined by the Citizenship Council upon their submission or after completion of the inspection, which sometimes lasts several months. The current law does not

regulate the possible suspension of the deadlines and could lead to delays in the proposals from the Minister of Justice to the President of the Republic for issuing a decree for naturalisation. The proposed bill makes provision for the requiring of additional documents or inspections in a 3-month time bond as well as the suspension of the terms under Article 35, Para. 1 of the law in such cases. In respect of the administrative capacity of the Ministry of Justice, the Ministry of Interior and DANS, the bill presents shorter terms for the three entities to pronounce on the citizenship proceedings at the different stages.

In regard of the administrative capacity of the Ministry of Justice, the Ministry of Interior and DANS, the draft bill proposes shorter deadlines for the three institutions to pronounce at different stages in the procedure for Bulgarian citizenship.

Presently, the certificates are issued within 30 days in accordance with Article 5a, Para. 3 of the Law on Administration. In respect of the increasing number of applications for certificates for the establishment of Bulgarian citizenship in recent years it is appropriate to retain the 30-day period for the issuing after regulation by the Bulgarian Citizenship.

The bill was received at the National Assembly and was adopted at first reading.

In the course of the discussion of the bill, the Bulgarian Chamber of Commerce and Industry expressed a written opinion on the proposed changes to eliminate the acquiring Bulgarian citizenship through investments. BCCI expresses an understanding of the legislator's reasons for restricting TCNs who take advantage of Bulgaria as a transit corridor to the EU and withdraw their investments almost immediately. BCCI believes that the legislature can make restrictions without going to the extreme, because otherwise it risks taking away the opportunity of conscientious investors to invest their money in Bulgaria. This, in turn, would undermine confidence in the Bulgarian State as a State of the rule of law with predictable regulations where it is reasonable to invest.³⁸

Stateless persons

Amendments in 2016 to the Law on Foreigners in the Republic of Bulgaria endorsed the granting of status to a stateless person under the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, both ratified by Bulgaria. Respective changes were made in the Implementing Regulations of the law in order to draw detailed procedures for granting such status.

By the amendments to the Law on Foreigners in the Republic of Bulgaria in 2019 were additionally refined the provisions regarding stateless persons.

The changes of Art. 21d of this Law in April 2019 repealed the discretion of the director of the Migration Directorate to grant status and now he/she is obliged to reject candidate who entered or attempted to go through avoiding determined points for this purpose or used false or forged documents. Another case in which the determining authority is obliged to refuse, according to the new changes, is when the applicant has resided illegally on the territory of the Republic of Bulgaria.

The amendments to the Law that came into force in October 2019, make possible a grant for prolonged residence to a stateless person in the Republic of Bulgaria, who does not meet the requirements for permission of residence on the territory of the country. Such person may be allowed

³⁸<https://www.parliament.bg/pub/cW/20200130101355%D0%A1%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%B8%D1%89%D0%B5%20%D0%BD%D0%B0%20%D0%91%D0%A2%D0%9F%D0%9F%20%D0%BF%D0%BE%20%D0%97%D0%98%D0%94%20%D0%BD%D0%B0%20%D0%97%D0%91%D0%93.PDF>

to stay for a period of up to one year in accordance with the procedure laid down in the implementing regulations of the law.

The amendments made in 2019 to the Implementing Regulations of the Law on foreigners regulate the procedure for family reunification and introduce the required documents for the category of foreigners with international protection, asylum and temporary protection granted. A procedure for granting the right of prolonged residence in Bulgaria has been introduced for the category of persons who obtained the status of stateless but did not qualify for permanent or long-term residence.

In 2019, applications of 39 persons for stateless status were filed in Bulgaria, where 26 of them granted status. The procedure was terminated against 12 TCNs and one was rejected.

8. BORDERS, VISAS AND SCHENGEN

8.1. General Overview

*Borders*³⁹

Following a set of measures to control the Bulgarian-Turkish border – the completion of construction works of the temporary obstruction facility along the Bulgarian-Turkish border, Turkey's compliance with EU agreements for migrants and with the support of the European Border and Coast Guard Agency (Frontex), the existing migration pressure along the Bulgarian-Turkish border was overcome. This led to a shift in migration pressure to the border with the Hellenic Republic, where has an emerging serious migration risk for the country.

During the year, about 489 TCNs were detained on entry as 312 of them at the green border and 177 at the border checkpoints. A decrease of 29% is observed compared to 2018 (689 persons).

Number of 295 were detained at external borders (395 for 2018) and 194 persons at internal borders (294 for 2018). Individuals from Afghanistan, Iraq, Turkey, Syria and Iran predominated. Nearly 50% have been detained at the entrance to the Bulgarian-Turkish border (2019 - 242; 2018 - 350), and 39% - at the entrance to the Bulgarian-Greek border (2019 - 191, 2018 - 293)

In 2019, detained were 805 TCNs on their way out to cross the state border illegally - 632 were detained at external borders (428 for 2018) and 173 persons at internal borders (206 for 2018). Data show an increase of 27% compared to 2018. Most breach attempts have been made by individuals of Afghanistan, Iraq, Turkey, Iran, Pakistan and Syria.

599 third-country nationals were detained at the green border, an increase of 45% compared to the same period in 2018. At the border crossing, 206 third-country nationals were detained.

The Bulgarian-Serbian border continues to be the busiest at exit as 590 TCNs detained there in a way out (an increase of 50% over 2018). The migration flows are mainly concentrated in the area of responsibility of the Kalotina check-point.

The tightening of border controls by Serbian authorities and forcible return of migrants who penetrated to Serbian territory have a deterrent effect in routes for secondary movements. Their alternative is through Bulgaria's border with Romania where 165 TCNs were detained which is down of 11% from 2018.

Visas

In strict compliance with the national legal framework and the European Union legislation in the field of visa policy, a total of 324 390 visa applications were processed in 2019. The issued visas were 319 889, and 4,501 were refused. Long-stay visas (type D visas) issued were 13,163 while short-stay visas (type C visas) were 306 726.

³⁹ Statistics are available

at: <https://mvr.bg/%D0%BC%D0%B8%D0%BD%D0%B8%D1%81%D1%82%D0%B5%D1%80%D1%81%D1%82%D0%B2%D0%BE%D1%82%D0%BE/programni-dokumenti-otcheti-analizi/%D1%81%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D0%B0/%D0%BC%D0%B8%D0%B3%D1%80%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%BD%D0%B0-%D1%81%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D0%B0>

During the year, all diplomatic and consular missions of the Republic of Bulgaria (except Oslo and Copenhagen) have implemented the new local visa system.

Schengen

The Bulgarian accession to the Schengen area remains one of the main political priorities through which the country intends to strengthen its contribution to the common European security system. Bulgaria's readiness to participate in Schengen has been evaluated, and the fulfilment of the technical criteria was confirmed in 2011. Bulgaria's ability to guarantee the security of the EU's external borders has been demonstrated in recent years in the process of coping with the unprecedented migration pressure to Bulgarian-Turkish border.

Bulgaria continues to make the required efforts to implement the latest EU and Schengen visa information technologies to improve the conditions for visa services in diplomatic and consular missions, enhance security, etc.

Concerning the interoperability package proposed by the European Commission in 2018 allowing the exchange of data between six EU information systems (the Schengen Information System (SIS), Visa Information System (VIS), Entry/Exit System (EES), European Travel Information and Authorisation System (ETIAS), Eurodac (EU asylum fingerprint database) and European Criminal Records Information System (ECRIS)), Bulgaria has gained full access to the SIS since August 2018 and has also introduced its national bans on entry and residence of TCNs as alerts in the SIS. Another acknowledgment of Bulgaria's readiness for Schengen is the forthcoming granting of partial (passive) access to the European Union Visa Information System. This will allow the issuance of Bulgarian visas after verification of the data in the Visa Information System. All necessary measures have been taken to prepare for the EU-Lisa tests for granting Bulgaria a passive access to the EU Visa Information System.

8.2. Policy Development and Legislative Amendments

Borders

In 2019, the Republic of Bulgaria continued to conduct a specialised police operation along the Bulgarian-Turkish border and part of the border with the Hellenic Republic, with the main objective of preventing and obstructing attempts of crossing illegally the state border by individuals and groups of migrants in the zones between the borders' checkpoints. Regarding the changes in the operational environment and reduction of migration pressure along the border with Turkey, further steps were taken to optimise the Border Police force manning and resources involved in the operation. The participation of military personnel from the Ministry of Defence has been terminated.

During the reporting period, the police patrols continued deployment along the border line, the temporary obstruction facility (the fence) on Turkish border and in depth of the area, in zones around the border checkpoint and other sectors there. The implemented tactical actions aimed at preventing illegal trespass by individuals and groups as well as to detain them directly at the border line or in vicinity area. Continuous monitoring was carried out to identify groups in neighbouring territory. The Turkish and Greek authorities were notified in order to identify and detain all persons close to the state border in a timely manner.

Another key entry point for irregular migrants is the Bulgarian-Greek border. Since the beginning of December 2018, a specialised police operation has been conducted to counteract irregular migration at this place.

The cooperation of the Republic of Bulgaria with the Frontex Border and Coast Guard Agency is active, and in 2019 a number of joint activities were implemented in the area.

During the year, the Border Police hosted Frontex-led joint operations as “Flexible Operational Activities 2019 Land Borders” and “Focal Points 2019 Land Borders”. They were carried out in 12 operational periods of 30 days each with the participation of 739 personnel from EU Member States and 15 observers from third countries. The Directorate-General of Border Police with the Ministry of Interior also hosted joint maritime border operations coordinated by Frontex, as in the period 07 May – 15 June 2019 it was the Multi-purpose operational activity in the Black Sea 2019.

The joint operations Alexis and Focus Points along the air borders took 3 operational periods. They have been implemented with the assistance by EU Member States staff and participation of 4 border police officers at Sofia International Airport.

A plan for cooperation development with the Romanian Border Police was adopted in 2019 and joint activities at the territorial/regional level between the border structures of Bulgaria and Romania were carried out. Additionally, a plan for the development of bilateral cooperation with the Turkish Coast Guard Command for the period 2019-2020 has also been approved.

The bilateral cooperation was enlarged with a signed Plan for the Development of Bilateral Cooperation with the Border Service of Ukraine for the period 2019-2020.

Border Police officers participated in working groups of the Black Sea Cooperation Forum in Bulgaria and Turkey and in a meeting of the Working Group “Development of a Common System for Early Detection of Illegal Activities” under the Black Sea Cooperation Forum, held in Constanta, Romania.

An annual tripartite meeting-seminar was held for representatives of the Bulgarian, North Macedonian and Serbian border police on the topic: “Cooperation between the Border Police Bodies of Bulgaria, Macedonia and Serbia - a Guarantee for Successful Countering of Irregular Migration and Organised Crime”.

In order to increase the effectiveness of border surveillance, an automated surveillance system along the Bulgarian-Serbian border has been established during the period. Specialised equipment was delivered - mobile X-ray systems for detecting concealed persons in vehicles – and located at the main border crossing points along the Bulgarian-Turkish border.

Visas

By a proposal of the Ministry of Foreign Affairs, with the transitional and concluding provisions to bill amending and supplementing the Bulgarian Personal Documents Act, the Foreigners in the Republic of Bulgaria Act was amended as providing for an exemption from the requirement to hold a long-stay visa under Art. 15, Para. 1 of TCN students of Bulgarian origin admitted to full-time study at a higher education institutions in Bulgaria. The measure should facilitate persons of Bulgarian descent from Ukraine, Moldova, North Macedonia, Montenegro, Kosovo and Serbia who wish to apply to a higher education institution in Bulgaria. The only requirement that left is to obtain a prolonged residence permit from the Migration Directorate.

The Ministry of Foreign Affairs and the Ministry of Interior jointly prepared amendments to the Law on Foreigners in the Republic of Bulgaria introducing the changes to the 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). Appropriate actions were taken to introduce the Visa Code amendments in the secondary legislation – Ordinance on conditions and procedures for visa Issuance and visas regime and in Tariff No 3. The ordinance was amended by ministerial decree No. 2/10.01.2019 (promulgated State Gazette, issue 5 of 2019) after the proposal of the Ministry of Foreign Affairs.

Schengen

The ministries of foreign affairs and interior have commenced to identify measures to put in place for the EU Entry/Exit System in 2021. This system should be implemented in all EU Member States, including Bulgaria and is based on the provisions of Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011.

The Bulgarian representatives participated at the meetings of the working groups of the Council – Visa, Consular Issues, Visa Committee, Consular Expert Group, Visa Reciprocity Committee, ETD Technical Specification Group. The Visa Working group (VISA) was leading the discussion on the EC proposal to amend Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

The national position was elaborated and notified to the European Commission of recognition or non-recognition by the Member States of the travel documents set out in Commission Implementing Decision C (2019) 4469 of 20 June 2019 replacing the Annex to Implementing Decision C (2013) 4914 establishing the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa.

9. IRREGULAR MIGRATION AND SMUGGLING

9.1. General Overview

There is a significant decrease in migration pressure to the borders of the Republic of Bulgaria in 2019. However, the political and socio-economic crisis in the Middle East continues to affect the migration environment and risks re-energising migration flows. Given the routes of movement of illegal migrants, Turkey remains one of the main points of distribution of irregular migration to the EU countries. Attempts to cross the Bulgarian-Turkish border illegally in 2019 are 41% lower than in 2018, and a slight 9% decrease in migration pressure is reported at the Bulgarian-Greek border. As a result of the measures taken to safeguard the Bulgarian-Turkish border, migration flows were redirected, with migrants initially moving from Turkey to Greece and subsequently to Bulgaria.

The territory of the Hellenic Republic continues to be preferred as an entry point into the EU, mainly because the country is a member of the Schengen area.

In 2019, there were a total of 7,422 attempts by third-country nationals to cross the Bulgarian territory across the country, a decrease of 26% over the same period in 2018 (10,019).

The emphasis in counteracting the irregular migration is put to appropriate measures to cut-off or at least curb smuggling. In 2019, a number of 122 investigating reports under Articles 280 and 281 of the Criminal code⁴⁰, were registered by the Border Police and 103 pre-trial proceedings were initiated for committed crimes.

Prosecuted as defendants have been 108 persons, mainly citizens of Bulgaria, Turkey and Iraq. Intercepted cases of transmitting in total counts of 549 migrants, mainly from Afghanistan, Iraq, Syria and Turkey.

Concerning those individuals detained for smuggling activities, their biggest number is from the Bulgarian-Turkish border, followed by the Bulgarian border with Serbia, Romania and Greece.

⁴⁰ Art. 280. (1) Whosoever takes across the border of the country individuals or groups of people without permit of the respective bodies of the authority or, though by a permit but not at the places determined for that purpose, shall be punished by imprisonment of one to six years and a fine of five thousand to twenty thousand levs.

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

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

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

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

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

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

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

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

9.2. Policy Overview and Legislative Amendments

Border security checkpoints were strengthened in 2019 by supplies funded by the Internal Security Fund – Police as in 2019 were delivered and distributed border crossing identification devices for tackling false documentations.

More than 200 leaflets on new travel and identity documents and alarms for detected fraud have been designed and distributed to assist border control staff at all border crossing points. The materials contain a photo and a description of all security features in the documents and the intercepts in the forged and fake documents. These brief summary documents also include false face alerts.

An important element of the overall activity to counteract irregular migration is the effective control over the residence of TCNs inland. Many specialised operations have been carried out to detect illegally staying persons. Priority is also being given to identifying TCNs with completed international protection proceedings, as well as controlling those who are still in procedure and have declared that they reside at external addresses. Inspections of hotels, hostels, private addresses, retail outlets and public places were carried out. There has also been a systematic monitoring of mixed marriages for which there are indications, facts and data that are concluded solely for the purpose of circumventing the rules and to obtain a residence permit. Activities were undertaken to depict information on persons from the so-called “risky countries”, their relations with some Bulgarians and purposes of their stay in the country in respect to prevention, detecting and preventing irregular migration.

A number of 1,892 TCNs illegally staying inland were detained, while the reported decrease is by 13% compared to the previous 2018 year. According to the trend which remains unchanged, the illegally staying TCNs are mainly from Afghanistan, Syria, Iraq, Turkey and China. Predominantly, illegal TCNs stay in Sofia city and vicinity, Plovdiv, Haskovo and Burgas. There were detentions of 207 unaccompanied minors, mostly Afghans, who have been referred to the social assistance directorates.

10. TRAFFICKING IN HUMAN BEINGS

10.1. General Overview

The National Commission for Combating Trafficking in Human Beings (NCCTHB) is responsible for defining and implementing the national policy in the field of combating trafficking in human beings. The Commission, as a body at the Council of Ministers, was established on the grounds of Article 4 of the Law on Combating Human Trafficking. It organises and coordinates the interaction between separate institutions and organisations executing the law and works to prevent trafficking in human beings and to protect, assist and reintegrate victims of trafficking. The Commission is chaired by a deputy prime minister. It is also responsible for drawing up an annual national programme to combat trafficking in human beings and support victims. By this programme it implements the National Strategy for Combating Trafficking in Human Beings 2017-2021. The national strategy sets out the main priorities of the Republic of Bulgaria in the field of combating trafficking in human beings.

The 2019 annual National Programme for Combating THB and Protection of the Victims was adopted in February 2019.⁴¹

A characteristic for the reported period is that Bulgaria is still mainly a country of origin for victims of trafficking in human beings (THB) given the global migratory situation, and to a lesser extent a country of transit. Registered victims, formally or informally identified, are also mainly Bulgarian citizens, and according to the statistics of the Prosecutor's Office of the Republic of Bulgaria, in 2019 the majority of the registered cases the victims are girls and women.

Both internationally and at a European level, in Bulgaria as well, the majority of trafficked cases are for the purpose of sexual exploitation, but at the same time there is a reported increase in the trafficking of Bulgarian citizens for the purpose of organised begging and labour exploitation alongside other less recognisable forms of trafficking, especially in France and Sweden. In general, these are people with disabilities, predominantly from Roma ethnic minority, who are brought to Western Europe and are forced to beg, as well as people who are homeless, without close relatives and in serious financial difficulties. More professional researches are focusing on other blurry recognisable forms of trafficking, including crimes similar to trafficking, which are undergoing or have the potential to be trafficked and exploited (for example, sham or underage marriages). The growth in traffic for the purpose of labour exploitation has continued as it has been noticed in previous years.

Both for Bulgaria and at EU level, the importance of the Internet and IC technologies in all elements and stages of human trafficking is increasing - recruiting victims from traffickers, organising transport, advertising "services", controlling victims and communication between traffickers and organised crime groups (OCGs), but also in the work of law enforcement authorities' detection and investigation of crime. It is becoming an increasingly important factor, both in the work of detecting and investigating crime by law enforcement agencies and in prevention activities.

⁴¹ <https://antitraffic.government.bg/bg/about#reports>

For 2019, there are no significant changes in the created risk profiles of victims of trafficking and traffickers; as described above, the leading form is for the purpose of sexual exploitation (abusive acts), with mainly young females affected, taking into account isolated cases of male victims of the same crime. People are often of working age, from areas of high unemployment, low social status, without or low educational background and no particular professional skills, living in poor living conditions and with financial burden. The higher standard of living in Western European countries, the existing high level of demand for the services offered, as well as the personal desire of participants in criminal schemes to make quick profits provoke the relative sustainability of levels of this criminal activity.

TCNs on their way to Western European countries or seeking international protection, are also vulnerable to being more easily involved in trafficking and exploitation.

The EU countries as Germany, Austria, the Netherlands, Belgium, Italy, France, Spain, Greece and Sweden are among the preferred end-state destinations for organised crime groups dealing with the recruitment, transportation and exploitation of trafficked victims from Bulgaria. Generally preferred are countries where prostitution is legalised and have more liberal legislation regarding the exploitation areas.

Domestic trafficking for sexual exploitation is concentrated mainly in Sofia and big cities, and is seasonal at the Black Sea's and mountain resorts. The organised crime groups (OCGs) dealing with trafficking have the following traits – composed are mainly of Bulgarian citizens, who often cooperate with nationals from countries of final destination. There is no evidence of direct collaboration with foreign OCGs. Human trafficking OCGs also carry out money laundering as a concomitant criminal activity. The most preferred destinations are Germany, Austria, the Netherlands, Belgium, Italy, France, Spain, Greece, Sweden and the United Kingdom. The use of violent methods, coercion and threats in recruiting and controlling victims is increasingly rare. However so-called “soft methods” increase when an emotional connection and dependence are established between the victim and the trafficker.

Good interagency interaction has been established in Bulgaria to combat human trafficking. The Ministry of Interior, Prosecutor's Office, Intelligence Agencies, Customs, National Revenue Agency, NCCTHB and other state and municipal structures actively work together. Cooperation with non-governmental organisations providing protection to victims of trafficking is also effective.

At the end of 2019, an international regional operation under the Interpol project aimed at combating human trafficking in the Balkans took place on the territory of Bulgaria. Albania, Bosnia and Herzegovina, Bulgaria, Moldova, Serbia, North Macedonia, Romania and Turkey participated in it. In Bulgaria, the focus was on enhanced controls, priority at land border crossings or hot spots to track and identify criminal activities related to human trafficking, counteract irregular migration, identify and arrest perpetrators, identify victims and disclosure of other crimes.

10.2. Policy Development and Legislative Amendments

One of the most important policies in preventing and combating trafficking in human beings is raising awareness in society and among vulnerable groups. Thus the main focus during the reporting period were several information campaigns for the prevention of trafficking in human beings in order to raise public awareness of the risks of trafficking for the purpose of labour exploitation, sexual

exploitation and a campaign focusing on the rights of victims of trafficking, and information prevention lectures with scholars and students.

Information and prevention campaigns

The first campaign, conducted in March-May 2019, was to prevent trafficking in human beings for the purpose of labour exploitation, including conducting targeted prevention and early identification activities among vulnerable groups. It included more than 10 information sessions with representatives of vulnerable groups conducted by the local committees on combating trafficking in human beings. Latter took part in 10 regional labour front-desks organised by the Labour Office Directorates and the Employment Agency, as well as in on-site workshops (over 10). The campaign started with a press conference held in Sofia, attended by representatives of the National Commission for Combating Trafficking in Human Beings, local commissions, Employment Agency and others.

In order to raise the awareness of jobseekers on trafficking in persons for employment, the Employment Agency (EA) disseminates information on the prevention of trafficking in human beings in its branches, including on its website www.az.government.bg.

Prevention of trafficking in human beings for the purpose of labour exploitation is carried out through the following specific activities:

- Informing candidates, when conducting job interviews for the exchange of workforce, about their fundamental rights and obligations under the labour law of the country concerned, emphasising the need for a contract of employment and a work permit, where requires, to be legal their stay;
- Providing departing persons with information material with addresses and telephones of the local labour offices, labour and social affairs services of the Ministry of Labour and Social Policy, the addresses of the Bulgarian Embassies in the respective country, as well as telephones to the Employment Agency's directorate "International Labour Migration and Mediation". It is always noted that accepting employment by unlicensed intermediaries carries the risk of illegal employment, labour exploitation or trafficking in human beings;
- Publication on the website of the EA, as well as on the information boards in the Labour Office Directorates about the companies which have been authorised by the labour ministry to perform brokering activity abroad under the Ordinance on the terms and conditions for conducting brokering activity for hiring;
- - Participation in information campaigns on prevention of trafficking in human beings, organised by the National Commission for Combating Trafficking in Human Beings, NGOs and other organisations.

Through the participation of the EA in the network of European Employment Services - EURES, any job seeker can apply for a vacancy in the countries of the European economic area. For this purpose specially trained EURES advisers and EURES assistants work in the structures of the EA. The efforts of EA together with experts from other employment services in the EEA countries, are aimed at preventing illegal employment. The section "Living and Working Conditions" on the site www.eures.bg contains detailed information on EU and EEA countries, including links to local institutions that observed employment conditions.

When conducting events (Work Atelier Workshop, Information days for students and unregistered jobseekers, Job Exchanges, etc.) under the project National EURES Network, within the framework of Operational Programme Human Resources Development 2014 - 2020 (OPHRD), the

EURES advisor or assistant who directs the event, informs attendees about the risks of unregulated employment and about the possible dangers that individuals would face in finding a job, as well as how to prevent fraud and how to deal with them not to get stuck in a situation of trafficking for labour or other exploitation. When informing, consulting and selecting candidates for work from risk groups (without or with low educational status, without qualification, long-term unemployed), who are more likely to be in a situation of trafficking, the issue is discussed in greater details.

Countering labour exploitation as well as facilitating the integration of people at risk in the labour market include:

- Motivation for active behaviour in the labour market - Increasing the motivation of discouraged persons for more active behaviour in the labour market and acquiring skills for self-promoting;

- Provision of professional information, guidance and counselling services from existing Job Centres and Career Centres to the EA's territorial divisions;

- Professional support from psychologists and case managers of persons who have problems of different nature that hinder their employment;

- Preparation of an action plan for every unemployed person registered in the Labour Office Directorate and includes specific steps to achieve employment. In the process of implementation of the individual action plan, the labour intermediary actively supports the unemployed to establish contacts with employers. A hint in the unemployed person's plan is to target a vacancy;

- Conclusion of an employment integration agreement with the long-term unemployed. The Employment Integration Agreement includes proposals by the Labour Office Directorate for the long-term unemployed person to use specific intermediary services and to target services provided by other institutions, in order to overcome individual barriers to labour market integration.

Particular attention is paid to the activities of Roma minority mediators, youths, case managers and psychologists, whose efforts are aimed at promoting active behaviour on the labour market of inactive and discouraged persons, including education and/or registration with the labour offices .

As a result of the work of these labour mediators a number of 34,432 inactive persons have been registered at the labour offices throughout the country under the National Programme “Activation of Inactive Persons” and are provided with appropriate employment services according to the individual profile with a view to adjusting to the labour market requirements. Engaging this risky group in employment has a positive impact and reduces the likelihood that individuals will be in a situation of human trafficking.

The Employment Agency implements OP HRD projects targeting vulnerable groups in the labour market. During the year, the project “Face to Face Services” was implemented at the Employment and Social Assistance Centres. The Employment and Social Assistance Centres provide a new model of integrated service through a joint approach and interaction between the territorial units of the EA and the Social Assistance Agency. Shared complex service meets the needs of vulnerable groups and improves their quality of life.

The main objective of another project “Ready to Work” is to stimulate the activity of young people up to the age of 29 who are neither in education or training, nor in employment and are not registered as unemployed in the Labour Office Directorates, as and improving their ability to find work and their employment in the labour market.

The Employment Agency has developed a programme for training and engagements of long-term unemployed persons. The programme aims to provide employment for long-term unemployed persons registered with the Labour Offices through their inclusion in trainings as leading to their knowledge and qualification.

Anti-Trafficking Volunteer Academy, held at the end of March in Burgas, aimed at upgrading the network of volunteers to the LCCTHB, focusing on human trafficking and safe internet use. The Academy was attended by 60 volunteers, 10 local secretaries and a team of trainers from the Safe Internet Centre.

A campaign to prevent trafficking for sexual exploitation and forced prostitution was carried out in May-July. On the occasion of the International Day for Combating Trafficking in Human Beings, various prevention campaigns have been implemented in the country which built on the capacity of specialists to counter crime and protect victims of seminars. Meetings were held the local commissions and their secretaries within the framework of the NCCTHB – conducting online meetings with a view to strategic planning of prevention during the summer period, workshops on presenting regional trends and discussion of opportunities and activities in 2020.

On the occasion of the 18th October EU Anti-Trafficking Day, the National Commission held a press conference that launched an information campaign focusing on the rights of victims of trafficking at the initiative of the European Crime Prevention Network and Europol. The campaign was conducted simultaneously in 24 European countries, and in Bulgaria it was implemented in partnership between the NCCTHB and General Directorate for Combating Organised Crime of the Ministry of Interior.

Experts at the NCCTHB Secretariat were involved in conducting 7 information-prevention lectures for students. The participants in the meetings were approximately 80 people. More than 70 prevention activities and small projects for work with vulnerable persons, children, volunteers, etc. were carried out with the assistance of the LCCTHB. It reached out to more than 40 thousand people.

Cooperation between key actors in anti-trafficking

Efforts were made during the year to optimise coordination within the existing National Mechanism for Referral and Support of Victims of Trafficking (NRM). The Mechanism is a framework for cooperation through which institutions fulfil their obligations with regard to the care of victims by coordinating their efforts in strategic partnership with non-governmental, international organisations and civil society. It was approved in 2016 by the Government of the Republic of Bulgaria.

The main objectives of the Mechanism are to ensure that human rights of victims of trafficking are respected in the provision of effective care and referral of victims to appropriate services. The basic principles of dealing with victims of trafficking in human beings are described, including unconditional support, security and safety, confidentiality and protection of personal information and non-discriminatory treatment. The Mechanism sets out standard operating procedures for the identification, targeting, protection, assistance and social inclusion of victims of this crime.

In 2019, a total of 63 human trafficking signals were filed to the NCCTHB. The total number of persons on all alerts, formally or informally identified as victims, is 94. A total of 25 adult persons are accommodated in the specialised services at the NCCTHB for 2019, as of these: male – 5; female

- 20 persons. In addition, 4 minors, children of accommodated victims of trafficking, are also cared for. The forms of exploitation suffered by the supported victims of trafficking: sexual exploitation - 19 persons (women); trafficking for the purpose of organised begging and forced subjugation - 4 persons (3 men and 1 woman); trafficking for the purpose of forced labour - 2 persons (men).

Bi-lateral cooperation with third countries

On 23 July 2019 the Republic of Bulgaria and the Republic of North Macedonia signed a Protocol for Cooperation in the Field of Combating Trafficking in Human Beings. The Protocol provides for co-operation in support and protection of victims, share experience, exchange of common information and awareness campaigns.

In 2019, NCCTHB experts participated in international fora and trainings, such as the International Stakeholder Conference within the Multilateral Research Project “Sustainability of Trafficking in Human Beings and Vulnerability on the Road to Europe (STRIVE)”, organised by ICMPD, Athens, Greece, International Trafficking in Human Trafficking and Child Exploitation, organised by the US Department of State, Budapest, Hungary, etc.⁴²

Legislative Amendments

In 2019 amendment were made to the Combating Human Trafficking Act.⁴³ The proposed amendments were made to comply with the international legal instruments of which Bulgaria is a party, as well as the need to remove contradictions in provisions that the practice has proven to be inapplicable. The changes aim to reflect developments in the institutional framework for combating trafficking in human beings, and in particular the National Mechanism, adopted by the Council of Ministers.

The changes related to the align of the national legislation to the requirements of the international legal norms are related to the effective implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, ratified by the 40th National Assembly on 7 March 2007 (promulgated State Gazette, issue 24/20.03.2007) and Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate irregular immigration, who cooperate with the competent authorities.

The Council of Europe Convention on Action against Trafficking in Human Beings introduces supranational minimum standards and mechanisms for the treatment of victims of trafficking, as well as for the support and protection they need. The two international instruments in force for the Republic of Bulgaria from 2007 provide for the so-called ‘period of recovery and reflection’ that is afforded to victims of trafficking in human beings for the initial recovery from the trauma caused by trafficking and exploitation and for breaking the links with traffickers, as well as to make a conscious and informed decision whether to assist in the prosecution of traffickers in human beings.

In order to comply with international commitments, as well as the recommendations of the Council of Europe Expert Group on Trafficking in Human Beings (GRETA), the national legislation should reflect the above standard and ensure adequate protection of victims of trafficking in human

⁴² <https://antitraffic.government.bg/en/about#reports>

⁴³ <https://www.lex.bg/laws/ldoc/2135467374>

beings, thus creating the amendments to the anti-trafficking law and Rules on temporary shelters and centres for protection and assistance of victims of trafficking.

Noting that the standards of the Convention have found a meaningful aspect in the law, the present amendments to the Act include only a clarification that the period of accommodation, respectively for the recovery of the victim, is within the minimum 30 days specified by the Convention and supplementing the rights that the victim may enjoy during that period. Complementing the rights with the right to legal aid and linguistic assistance is entirely dictated by the spirit of the Convention and will be provided within the framework of the services used by the victim during the stay at the shelter for temporary accommodation.

An important point in these changes is the clarification of the international legal status of the NCCTHB as a national reporting body in accordance with Art. 19 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. So far the NCCTHB has fulfilled this function, and for clarity it is proposed that the status be regulated at the legislative level.

The law also made changes to the update of the institutional framework for combating trafficking in human beings and protecting victims.

These changes can be summarised as follows:

First, the longstanding practice of the NCCTHB and its partners at national and international level concludes that after the initial recovery of the victims, and in order to achieve sustainability of the results achieved, there is a need for a specific care for victims in the service for subsequent reintegration. In this regard, it is proposed to create a legal opportunity to open specialised shelters for the subsequent reintegration of victims of trafficking in human beings. The support for the reintegration in shelters will be provided within the capabilities of the NCCTHB budget, and in this concern the proposed amendment to the law will not have an impact on the state budget.

The second one is directly related to the decision of the Council of Ministers of 20 July 2016 approving the National Mechanism. The step then is to settle at legislative level the coordinating role of the NCCTHB in the implementation of the Mechanism. The changes also regulate the central role of the NCCTHB in collecting and analysing data related to combating trafficking in human beings and protecting victims.

Additionally, besides the changes mentioned above, the law eliminated ineffective and inapplicable texts also. In concern of the dynamics of crimes, the upgrading of the overall system for combating crime in the last 15 years, as well as the development of the system of support and protection - an essential and fundamental goal of the changes in the law is to be practically oriented. Changes to the law were adopted in the autumn of 2019 as taking into account the victim centred approach as well as reflecting the good practices and recommendations of international legal documents, GRETA and the General Inspectorate of the Council of Ministers.

Changes occurred to the Rules of organisation and activity of the National Commission as well. At the end of 2019 and in 2020, the work has continued on the amendments to the second regulations, those of temporary shelters and centres for protection and assistance, adopted by Decree No. 49/2004. A legislative amendment to the regulations is imperative in view of the lack of legal framework for the shelter service for the subsequent reintegration of victims of trafficking in human beings, along with the opening order, organisation of work and reception conditions. The current rules do not correspond with the amendments to the law from October 2019. Legal provisions have been

abolished/repealed and, as a whole, the rules do not correspond to the new public relations and the provisions related to the protection of victims of trafficking.

11. RETURN AND READMISSION

11.1 General Overview

The Republic of Bulgaria is committed to the implementation of Community policies to ensure the security of the EU's external borders and the implementation of return procedures as a key tool in combating irregular migration. It is crucial to maintaining confidence in the national migration system, ensuring that TCNs who are not eligible for legal stay are returned. This establishes clear rules and criteria for managing migration processes.

Return is forced or voluntary, with the policy and legislation of the Republic of Bulgaria giving priority to voluntary return as the first and desired opportunity. In the course of voluntary return, in 2019 the responsible national authorities continued to successfully partner with the mission of the International Organization for Migration (IOM) in Bulgaria in the programmes of assisted voluntary return and reintegration funded by the Asylum, Migration and Integration Fund (AMIF).

The active cooperation with the Border and Coast Guard Agency (Frontex) continued during the period in pursuit of the EU policies and shared commitments to counteract irregular migration. Bulgaria, through the Migration Directorate of the Ministry of Interior, joined 9 operations organised by other EU Member States for the return of 25 illegally staying TCNs to the country of origin. The Directorate also participated in 3 Frontex operations, providing assistance to partners from other Member States by seconding escort officers. A permanent national reserve of 105 return specialists has been established.

In 2019, a total of 865 illegally staying third-country nationals were returned, a decrease of 2% compared to the previous 2018 year (885), while it is 75% of the number of TCNs subject to return during the reporting period. The reported decrease in the number of returned is a direct result of the serious decrease in the intensity of migration flows entering from the end of 2016.

During the year, 451 TCNs were forcibly returned; 90 voluntarily left the country on their own; 84 TCNs were returned by assisted voluntary return programs; 120 TCNs were persuaded to leave voluntarily without a compulsory administrative measure; 29 TCNs were returned to EU Member States to carry out readmission procedures, under the Dublin Regulation; 91 TCNs were returned under a simplified procedure. Citizens of Iraq, Turkey, Afghanistan, Iran, China and Syria predominated.

Bilateral and EU readmission agreements provided in 2019 a rigorous framework for cooperation between EU countries and third countries, establishing fast and effective procedures for identifying, re-issuing and returning non-permit resident persons. As a competent authority for the implementation of readmission agreements, the Border Police Directorate submitted a number of 103 requests under the normal procedure for returning TCNs in implementation of bilateral readmission agreements concluded by the Republic of Bulgaria, as well as those concluded by the EU. In comparison there were 135 requests for 2018.

By virtue of readmission agreements, in 2019, a total of 322 TCNs were brought out from the Republic of Bulgaria, up from 308 the previous year. A number of 205 were returned to Bulgaria, as 147 of them were third-country nationals.⁴⁴

By a decision of the Council of Ministers, a 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 European Union and the Republic of Armenia was signed on 28 October 2019. A draft agreement between the European Union and the Republic of Belarus on the readmission of persons residing illegally has been agreed by the Border Police Directorate-General. Their experts took part in a meeting organised in Baku to discuss the draft protocol between the governments of Bulgaria and Azerbaijan on the implementation of the EU-Azerbaijan readmission agreement.

During the period, a contract was signed for the printing and delivery of a European travel document for the return of illegally staying third-country nationals, with 5,000 pieces delivered to the Border Police and Migration Directorate according to the technical specifications.

With a view to develop preventions as an effective tool of counteracting irregular migration, communication with countries of origin has been improved with regular meetings with diplomatic representatives of third countries representing a risk of migration. At the end of the year, the Migration Directorate applied for a grant under the AMIF for the implementation of a project related to holding working meetings with diplomatic missions of third countries in Bulgaria. It is in order to facilitate the issuance procedures for travel documents, assistance in establishing the identity of illegally staying TCNs and taking joint action to promote voluntary return to their country of origin. It is envisaged that the project will be implemented in the period 2020-2022 and will contribute to improving communication with third parties in the execution of return procedures and resolution of complicated cases.

11.2. Policy Development and Legislative Amendments

In 2019 amendments to the Foreigners in the Republic of Bulgaria Act were elaborated with proposals for amending existing provisions related to the imposition of compulsory administrative measures ‘*return to country of origin, country of transit or third safe country*’ and ‘*expulsion*’. The bill stipulated that when the measure will be enforced it should be enlisted in the relevant expulsion order the country imposing return decisions.

Another amendment concerns the introduction of automatic suspensive effect of complaints filed against expulsion orders issued on the grounds of public order, as well as the shortening of the time limits for examining complaints under Art. 46a, Para 2 of the Law on Foreigners in the Republic of Bulgaria (the order for compulsory accommodation in a special home). These amendments are dictated by the need to implement the general measures held in the judgment of the European Court of Human Rights in a group of cases “C.G. and Others vs. Bulgaria”.

⁴⁴<https://www.mvr.bg/%D0%BC%D0%B8%D0%BD%D0%B8%D1%81%D1%82%D0%B5%D1%80%D1%81%D1%82%D0%B2%D0%BE%D1%82%D0%BE/programni-dokumenti-otcheti-analizi/%D1%81%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D0%B0>