

BULGARIA

2002 COUNTRY

OPERATIONS PLAN

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

As a Signatory to the 1951 Convention and the 1967 Protocol, and as a candidate member of the European Union (work hypothesis January 2007), Bulgaria is committed to providing protection and durable solutions to asylum seekers and refugees, and to developing an asylum system that contributes to equitable distribution of asylum-related responsibilities in Europe and meets European and related international standards

UNHCR is represented in Bulgaria by a **single Branch Office** located in the capital Sofia.

The key milestones in the UNHCR Branch Office's **impact** on the development of the Bulgarian asylum system to date are as follows:

- i. Establishment of UNHCR presence (1992);
- ii. Establishment of a National Refugee Authorities - a National Bureau for Territorial Asylum and Refugees (NBTAR) under the Council of Ministers (October 1992);
- iii. Accession to 1951 Convention and 1967 Protocol (ratified 1993);
- iv. Ordinance for Granting and Regulating the Refugee Status (October 1994);
- v. First recognition of a refugee by the Government (July 1995);
- vi. Establishment of NGO social counselling services (1993);
- vii. Establishment of NGO legal counselling services (1995);
- viii. Establishment of legal network through the Bulgarian Helsinki Committee (1996);
- ix. First integration assistance (UNHCR-funded) (since 1996);
- x. First appeal cases heard and positively decided by Supreme Administrative Court (1996) ;
- xi. First jurisprudence on asylum issues in Supreme Administrative Court (1996);
- xii. Establishment of border transit facilities for asylum seekers through NGO(1997), closed early 2000;
- xiii. Government undertook 25% of asylum seeker care and maintenance cost from UNHCR for the first time (1997);
- xiv. Establishment of an Integration Centre for Refugee Women under UNHCR special programme (1997);
- xv. First significant number of arrivals through land borders (1998);
- xvi. Agreement for co-operation in the field of training of Ministry of Interior officials in refugee matters signed between UNHCR and the Policy Academy of the Ministry of Interior (1998);
- xvii. A measurable improvement of media attitude and coverage of refugee issues (1999);
- xviii. Enactment of Refugee Law (1999);
- xix. Establishment of the Agency for Refugees (August 1999, previously NBTAR);
- xx. Rules of Procedure of the Agency for Refugees were adopted by the Council of Ministers (2000);
- xxi. A List of Safe Countries of Origin and a List of Third Safe Countries was adopted by the Council of Ministers (2000).

Until the year 2005, UNHCR plans to retain an operational role in Bulgaria so as to help build the institutions and institutional capacity of the asylum system, play coordination and monitoring role, while also meeting basic protection and assistance needs.

Core problems in the asylum system include: 1) gaps in the Refugee and Aliens Law with the EU *acquis* on asylum and UNHCR standards; 2) access to the territory is not yet

guaranteed; 3) access to the refugee status determination procedure is not systematically guaranteed; 4) determination of refugee status is still to be better grounded; 5) lack of reception center for implementation of the accelerated procedure; 6) split competencies between Border Police and Agency for Refugees; 7) broad exclusion clauses and application; 8) the state does not fund legal aid for asylum seekers during refugee status determination procedure and NGOs lack the resources to provide legal advice and assistance to asylum seekers and refugees; 9) refugee assisting NGOs or refugee assisting activities of NGOs are mostly relaying on UNHCR for funding; 10) knowledge and qualifications of key actors in the national asylum system needs to be developed; 11) integration programme for recognized refugees depending on funding from UNHCR, the Government needs to develop and fund refugee integration programme; 12) majority of asylum seekers and refugees do not follow upon the refugee status determination procedure in Bulgaria and migrate irregularly to the EU, thus undermining the credibility of the national asylum system; 13) unawareness amongst the public and officials of the difference between refugees and economic migrants and of the needs of asylum seekers and migrants; 14) xenophobia amongst certain sections of population towards foreigners, including asylum seekers and refugees.

UNHCR's programme in Bulgaria within the overall strategy for Central European and Baltic states for the period 2001 - 2005 - *Quality Asylum in a uniting Europe* (Theme 1)

UNHCR's overall goal in the country is that by end of the year 2005 Bulgaria will have in place a functioning, fair and sustainable asylum system incorporating the following necessary components:

- i. Revised Law on Refugees in line with the internationally accepted standards applicable to the status of refugees (by 2002)
- ii. A functioning system of transit centres for asylum seekers at borders managed and run by the government ensuring access to the territory on a sustainable basis (by 2004).
- iii. A functioning system of registration and reception centers for asylum seekers managed and run by the government ensuring adequate reception facilities for asylum seekers (progressively from 2001 to 2005)
- iv. An effective institutional structure linking border authorities and competent first instance authority (by 2002);
- v. Almost fully funded by the governmental subsistence for asylum seekers and UNHCR support reduced to a minimum (by 2004);
- vi. A speeded up first and second instance decision making body in asylum matters (by 2002);
- vii. A government-managed integration programme for recognised refugees with NGO involvement and UNHCR financial support (by 2003);
- viii. Optimally diversified funding for NGO legal and social counselling services, and for NGO border monitoring activities (progressively from 2002 to 2005);

With these components in place and functioning as intended it is anticipated that the asylum system will meet the standards of the *acquis* of the European Union in the field of asylum, as well as the international standards corresponding to Bulgaria's obligations as a signatory to the 1951 Convention and the European Convention on Human Rights.

After the year 2005 it is expected that UNHCR's role in Bulgaria will be of monitoring the functioning of the asylum system and the quality of protection and solutions provided by

the system, while continuing to provide advice to help improve the system's fairness, efficiency and co-ordination.

The UNHCR Country Operation Plan for 2002 thus describes in more detail the strategy for helping

Bulgaria to build the remaining key aspects of the system, and the programme, administrative and staffing requirements of the Branch Office in Sofia, in terms of a single thematic programme: **Support to the establishment and development of the full fledged asylum system in Bulgaria** through expertise, material support and capacity building.

As Bulgaria is lagging other Central European countries, the Branch Office Sofia is engaged in building a fair and efficient asylum system. UNHCR remains currently responsible for ensuring that the basic protection and assistance needs of the asylum seekers and refugees in Bulgaria are met, given the continuing inadequacies and gaps in the system, and continuing financial dependence of partners on UNHCR, and only partial and gradual assumption of responsibilities by the government in the short and medium term. Until 2005, a high proportion of the UNHCR's staffing and programme resources will still be devoted to directly meeting these basic needs.

In 2002 the country programme will assist directly and/or indirectly some 3500 asylum seekers and 2000 refugees.

While retaining a capacity to support the work of partners with all persons of concern of UNHCR, the Branch Office Sofia will focus its attention in 2002 on ensuring that persons in the following **priority categories** of concern received protection and guaranteed basic human rights and a minimum of reception conditions: asylum seekers apprehended at land borders or airport; asylum seekers applying in country; asylum seekers unable to register; asylum seekers and refugees in detention; asylum seekers presenting their case to 1st instance; asylum seekers encountering procedural flaws; asylum seekers rejected at 2nd instance.

Mainstreaming the **protection and assistance needs of refugee women, refugee children and adolescents** into regular programme activities is a Branch Office policy in Bulgaria. Undeveloped asylum system and procedures to sufficiently tackle the refugee women problem have placed many challenges on the Branch Office in carrying out its mandate, namely that of protecting refugee women and promoting durable solutions to their problems. The Branch Office Sofia programme and protection work will continue to strive to better integrate the specific needs of refugee women, refugee children and adolescents into its day to day activities and its training programme. The Branch Office Sofia will address the need to foster the local integration of refugee women by developing a network of social activities and through individual, family, and community support. Refugee children and adolescence will be supported through education to integrate into Bulgarian society. In addition to mainstreaming the protection and assistance needs of **refugees and asylum seekers with special needs** into regular programme activities, additional assistance will be provided to elderly, disabled, chronically ill, mentally ill, and victims of torture.

The Branch Office Sofia with a view to achieving UNHCR's overall goal in Bulgaria is working in partnership with the Bulgarian Government, the Judiciary, the Legislative, NGOs, lawyers, the media, educational establishments and others in Bulgaria, and on a

regional level with the European Commission Phare Programmes, the supporting Western European Governments, the Council of Europe, and the European Council of Refugees and Exiles, and other organisations.

UNHCR is actively involved in supporting the Government and NGOs to develop their capacity to handle refugee issues in a manner that would ultimately allow UNHCR to phase out in the future.

The main counterpart of the UNHCR Branch Office in Bulgaria is the Agency for Refugees under the Council of Ministers (National Bureau for Territorial Asylum and Refugees until August 1999). The Agency for Refugees (AR) is responsible to the Council of Ministers.

Its structure is as follow: President; Vice Presidents (2); Secretary General/Inspector; Six Directorates "Administrative, Legal and Information Services"; "Financial, Economic Activities and Property Management"; "Legal Procedure and Decisions"; "Centers for Refugees, Accommodation and Administrative Control"; "International Co-operation and European Integration"; "Health and social Protection, Adaptation and Integration of Refugees"; two Registration/Reception Centers in Sofia and Bania. In addition to that, the Agency for Refugees operates one Social and Integration Center for women asylum seekers and refugees in Sofia.

The Ministry of Interior through the Border Police under the Refugee Law is responsible for receiving asylum applicants at air, land, sea borders, and for implementing the accelerated procedure. Admitted applicants are referred to the Agency for Refugees for treatment in the normal refugee status determining procedures. As the competent authority, although its capacity to do so in practice is still very limited. Appeals against Border Police decisions go to the Agency for Refugees. Appeals against AR status determination decisions are heard by the Supreme Administrative Court.

Refugee assisting NGO services in Bulgaria are still funded by UNHCR. No government funding is yet provided to refugee assisting NGOs, and it is still difficult for NGOs to obtain other potential donors in covering the recurrent cost of core activities such as salaries operational and other administrative costs. BO Sofia continues to rely on NGOs who have developed expertise and capacity in refugee related activities.

BO Sofia will support building the capacity of Bulgarian Helsinki Committee, Bulgarian Red Cross, Caritas, Bulgaria and the Assistance Center for Torture Survivors as refugee assisting NGOs in Bulgaria, so to enhance their:

- i. Quality of protection and assistance they are able to provide to asylum seekers and refugees;
- ii. Strength and sustainability;
- iii. Contribution to the functioning of the Bulgarian asylum system within the Bulgaria European Integration;
- iv. Standing before the government;
- v. Effectiveness, relevance, autonomy and sustainability of national level.

The objective is that by the end of 2002 NGOs should resource between 10-15% of their funding from outside UNHCR and raise it, to between 15-25% by the end of 2003.

UNHCR Branch Office Representative in Sofia co-operates in inter-agency activities with UNDP frequently serving as a Resident Coordinator a.i., being second international organisation of 5 international organisations (others are World Bank, IMF, UNDCP) especially when such activities can include a refugee related component, and to the extent that such participation is relevant to UNHCR's mandate. Closer co-operation with IOM is developed in respect of family reunification, voluntary repatriation and finally rejected cases.

(b) Selected Programme Goals and Objectives

Name of Theme: Quality asylum in uniting Europe	
<p>Main Goals: Goal 1: Persons in need of international protection will have access to the territories of European States. Goal 2: States will develop, and gradually harmonise, asylum systems in conformity with international standards. Goal 3: Public opinion will be receptive to the protection needs of refugees and supportive of their integration efforts.</p>	
Principal Objectives	Related Outputs
<p>Objective 1.a Measures to combat illegal migration include adequate protection safeguards</p>	<ul style="list-style-type: none"> i. Changes in asylum related legislation will at a minimum reflect UNHCR and EU accepted minimum standards and incorporate European best practice; ii. Increased awareness of international standards and Bulgaria meeting its obligation to implement them; iii. Amendment of the 1999 Refugee Law; iv. Training of trainers approach in refugee related issues; v. Inclusion in the curriculum of Universities and Schools of human rights and refugee issues in different fields of studies vi. Border monitoring reinforced with NGO Implementing Partner; vii. Continued access of UNHCR and NGOs to the border crossing facilities; viii. In compliance with art.35 of the Convention UNHCR to receive from the competent authorities prompt and correct information on new arrivals, so that appropriate and timely interventions can be made if needed; ix. Temporary accommodation and reception facilities near Bulgarian/Turkish/Greek border run by Border Police x. Enhance cross-border co-operation between Bulgaria and neighboring countries for upholding basic protection principles
<p>Objective 1.b Alternative entry/migration/channels/procedures be made available to non-refugee migrants.</p>	<ul style="list-style-type: none"> i. Detention centers monitoring on a regular basis ii. Co-operation with IOM in measures regarding unsuccessful asylum application candidates
<p>Objective 1.c State be willing to engage in a comprehensive dialogue with countries producing refugees and or migrants.</p>	<ul style="list-style-type: none"> i. Increasing presence of Bulgaria in various international fora related to the promotion of issues such as respect for human rights, minorities, multicultural society and peace

<p>Objective 1.d Humanitarian visas be issued in countries of origin, without compromising the security of applicants.</p>	<p>i. Proper implementation of the Refugee Law, which prescribes that asylum may be sought at the Bulgarian Embassy in the country of origin</p>
<p>Objective 1.e More State offer flexible resettlement opportunities.</p>	
<p>Objective 2.a Asylum-seekers have their claims heard fairly and promptly.</p>	<p>i. Asylum seekers and refugees should have access to legal aid provided by the State during the refugee status determination procedure and with claiming their rights under the 1951 Convention;</p> <p>ii. Refugee status determination procedure (access, first instance, appeals) have necessary safeguards in compliance with international standards;</p> <p>iii. Avoidance of long appeal procedures</p> <p>iv. Enhance access to country of origin information by the RSD authorities and NGOs</p>
<p>Objective 2.b The gradual harmonisation of legal and procedural standards preserve current better practices and correct the deficiencies of the EU Acquis.</p>	<p>i. Changes in asylum related legislation will at a minimum incorporate UNHCR and EU accepted minimum standards and ideally will incorporate European best practice</p>

<p>Objective 2.c Asylum-relevant institutions develop in the run-up to EU accession.</p>	<ul style="list-style-type: none"> i. Government authorities implement and adhere to national legislation in a manner consistent with international standards relating to refugees and asylum seekers ii. Asylum seekers should have access to social counseling iii. Registration/reception centers and local community will promote a supportive environment for asylum seekers iv. Professional skills of key actors in the asylum system will be further developed v. Refugee assisting NGOs will manage to further develop their role in the asylum system vi. Governmental and NGOs institutions diversified their funding base so that they become less dependent on UNHCR
<p>Objective 2.d All refugees have real opportunities to integrate.</p>	<ul style="list-style-type: none"> i. Refugees are able to make a free and informed choice on local integration ii. Government accepts and assists integration of refugees in their place of refuge within the territory iii. Government establish comprehensive integration programme for recognized refugees iv. In the initial period after recognition refugees will receive counseling and integration support (social and material): I) to help refugees achieve basic self-sufficiency/self-reliance; ii) to help them meet their needs for a limited period of time. v. Receiving community accepts refugees in their place of refuge within the territory.
<p>Objective 3.a UNHCR as the agency responsible for refugee protection, has a higher profile.</p>	<ul style="list-style-type: none"> i. UNHCR will have an enhanced public image in Bulgaria
<p>Objective 3.b The public at large understands the difference between economic migrants and refugees</p>	<ul style="list-style-type: none"> i. A better understanding amongst the public of difference between refugees and economic migrants with greater receptiveness
<p>Objective 3.c Xenophobic trends diminish in favor of increased tolerance</p>	<ul style="list-style-type: none"> i. Enhanced public tolerance towards , understanding and compassion for refugees ii. Local communities more inclined to support refugee integration