

## BULGARIA

Bulgaria is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First Optional Protocol. Asylum seekers are governed by the Law for Refugees and exempt from the Aliens Act that governs all other immigrants.<sup>1</sup>

1,755 applications for asylum were lodged in Bulgaria in 2000.<sup>2</sup> In 2001, 2,430 applications for asylum were lodged.<sup>3</sup> In the first quarter of 2002, 1,091 applications were filed.<sup>4</sup> The Bulgarian Agency for Refugees (BAR) is responsible for adjudicating asylum claims in the first instance.<sup>5</sup> Rejected asylum seekers may appeal negative decisions to the chairman of the BAR on administrative grounds, and to the Supreme Administrative Court on legal grounds.<sup>6</sup> Applicants have seven days to submit appeals of negative decisions made through the normal procedure, which suspends deportation proceedings.<sup>7</sup>

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<sup>1</sup> U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 200 *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

<sup>2</sup> U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2001 at 210 *available at* <http://preview.refuges.org/world/worldmain.htm> (Immigration and Refugee Services of America 2001) [hereinafter USCR WORLD REFUGEE SURVEY 2001].

<sup>3</sup> E-mail from Mariana Stoyanova, Bulgarian Helsinki Committee, to Jaya Ramji, Debevoise & Plimpton (Oct. 23, 2001) (on file with Debevoise & Plimpton) [hereinafter BHC Correspondence]; UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, NUMBER OF ASYLUM APPLICATIONS SUBMITTED IN 30 INDUSTRIALIZED COUNTRIES, 1992-2001, (May 31, 2002), *available at* [http://www.unhcr.ch/cgi-bin/texis/vtx/home/+NwwBmem\\_Xx8wwwwwwqwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqEvXafDm1BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf](http://www.unhcr.ch/cgi-bin/texis/vtx/home/+NwwBmem_Xx8wwwwwwqwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqEvXafDm1BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf) (last accessed Aug. 29, 2002) [hereinafter *Asylum Applications Lodged in 1992-2001*].

<sup>4</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, ASYLUM TRENDS IN 28 INDUSTRIAL COUNTRIES: JANUARY TO MARCH 2001—JANUARY TO MARCH 2002, *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home/+2wwBmeIFXx8wwwwwwwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqF+8afDm15BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf> (June 13, 2002) (last accessed Aug. 29, 2002) [hereinafter *Asylum Trends in 28 Industrialized Countries*].

<sup>5</sup> USCR WORLD REFUGEE SURVEY 2002, *supra* note 1, at 200.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

The Law for Refugees also provides for an accelerated procedure for “manifestly unfounded” applicants, which refers to asylum seekers arriving from “safe” countries, or applicants who knowingly provide false information or documentation.<sup>8</sup> In 2000, Bulgaria adopted a list of 105 “safe” countries.<sup>9</sup> However, according to the UNHCR, the BAR uses the list only as a reference tool, examining each application on a case-by-case basis, and less than ten cases were denied as “manifestly unfounded” in 2001.<sup>10</sup> Applicants rejected in the accelerated procedure have only 24 hours to appeal negative decisions and may do so only through administrative, but not judicial, channels.<sup>11</sup> NGOs consider this time and procedure insufficient.<sup>12</sup>

The government reported that, during 2000, 137 asylum seekers were detained, but the Bulgarian Helsinki Committee reported that 3,439 foreigners (not all asylum seekers) were detained, which suggests that the actual number of detained asylum seekers may have been higher than the government indicated.<sup>13</sup> The Ministry of the Interior is legally responsible for the decision whether to detain undocumented asylum seekers.<sup>14</sup> Although the Law for Refugees does not require the detention of asylum seekers, the Danish Refugee Council reports that border officers, particularly at Sofia airport, routinely detain them along with non-asylum-seeking undocumented immigrants, who are detained pursuant to the Aliens Act.<sup>15</sup> As a result, many asylum seekers are not afforded the opportunity to file asylum applications before they are deported.<sup>16</sup> Border Police are not trained in asylum law and are reported to frequently expel refugees without referring them to appropriate asylum authorities.<sup>17</sup> Asylum seekers whose claims are rejected and

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<sup>8</sup> *Id.* at 201.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> BHC Correspondence, *supra* note 3.

<sup>14</sup> *Id.*

<sup>15</sup> DANISH REFUGEE COUNCIL, LEGAL AND SOCIAL CONDITIONS FOR ASYLUM SEEKERS AND REFUGEES IN CENTRAL AND EASTERN EUROPEAN COUNTRIES, *Bulgaria*, available at <http://www.english.drc.dk/publications/> (Apr. 1999) [hereinafter DRC E. EUR. REPORT 1999].

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

who remain in the country beyond the date of their removal order are subject to detention.<sup>18</sup>

*Is there independent review of the detention decision?* No.

The Aliens Act, which is often incorrectly applied to asylum seekers, does not provide for independent review of decisions to detain undocumented immigrants.<sup>19</sup>

*Are there limits on the period of detention?* No

There are no limits on detention at the airport transit zone for asylum seekers wrongly detained pursuant to the Aliens Act.<sup>20</sup> Asylum seekers have reportedly been detained at the border for long periods pending the outcome of their appeals of decisions made in the accelerated procedure established by the 1999 Refugee Law.<sup>21</sup>

*Is there periodic review of detention?* No.

The Aliens Act, under which asylum seekers are often wrongly detained, does not provide for periodic review of detention.

*Is there access to government-funded legal aid?* No.

Asylum seekers may have attorneys or other representatives present throughout the asylum process. However, asylum seekers detained at the borders have difficulty gaining access to the asylum procedure and obtaining legal assistance.<sup>22</sup> The US Committee for Refugees reports that asylum seekers are often not informed of sources of available legal counsel.

Most legal aid is provided through UNHCR-funded organizations, such as the Bulgarian Helsinki Committee,<sup>23</sup> which is the only NGO that provides free legal assistance to

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<sup>18</sup> *Id.*

<sup>19</sup> DRC E. EUR. REPORT 1999, *supra* note 15, *Bulgaria*.

<sup>20</sup> DRC E. EUR. REPORT 1999, *supra* note 15, *Bulgaria*.

<sup>21</sup> International Helsinki Federation for Human Rights, *Human Rights in the OSCE Region*, at 86, (May 25, 2001) [hereinafter IHFHR Report] available at <http://www.ihf-hr.org/reports/ar01/Country%20issues/Countries/Bulgaria.pdf> (last accessed Aug. 29, 2002).

<sup>22</sup> ECRE EUR. STUDY 2001, *supra* note 1, at 61.

<sup>23</sup> DRC E. EUR. REPORT 1999, *supra* note 15, *Bulgaria*.

asylum seekers.<sup>24</sup> These agencies gained access to the airport and the Drujba Detention Center in 1999-2001.<sup>25</sup>

*Alternatives to detention:* Semi-open centers or release.

Upon arrival, asylum seekers may be accommodated in one of Bulgaria's two reception centers.<sup>26</sup> After registering with the authorities, some asylum seekers move into private accommodations depending upon their resources.<sup>27</sup> As demand for space in the reception centers exceeds supply, some asylum seekers must wait for spaces to open up before they are released from detention.<sup>28</sup> Those staying in reception centers must get permission to leave the centers for periods longer than 24 hours.

Medical care is provided to asylum seekers in accordance with the Law for Refugees. A medical team is available at the reception centers.<sup>29</sup>

*Vulnerable groups:* The Refugee Law provides that unaccompanied minors must be appointed legal guardians and that unaccompanied minors, single mothers and mothers with many children must receive social assistance. Women are also to be afforded protection from psychological and physical violence.<sup>30</sup>

Medicine for vulnerable asylum seekers is available through arrangements with the Bulgarian Red Cross and CARITAS.<sup>31</sup>

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<sup>24</sup> BHC Correspondence, *supra* note 3.

<sup>25</sup> USCR WORLD REFUGEE SURVEY 2001, *supra* note 2, at 210; BHC Correspondence, *supra* note 3.

<sup>26</sup> USCR WORLD REFUGEE SURVEY 2002, *supra* note 1, at 201.

<sup>27</sup> *Id.*; USCR WORLD REFUGEE SURVEY 2001, *supra* note 2.

<sup>28</sup> BHC Correspondence, *supra* note 3.

<sup>29</sup> DRC E. EUR. REPORT 1999, *supra* note 15, *Bulgaria*; BHC Correspondence, *supra* note 3.

<sup>30</sup> DRC E. EUR. REPORT 1999, *supra* note 15, *Bulgaria*.

<sup>31</sup> DRC E. EUR. REPORT 1999, *supra* note 15, *Bulgaria*; BHC Correspondence, *supra* note 3.