



## Input by civil society to the EASO Annual Report 2017

EASO has started the production of the 2017 Annual Report on the Situation of Asylum in the European Union, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU+ and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries. Previous reports are [available for review at EASO's website](#).

We would like to kindly invite you to take part in this process, by sharing your observations **on developments in asylum law, policy or practice in 2017 (and early 2018) in the areas listed on page 2**. The topics listed there reflect the structure of Chapter 4 of the EASO report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2017, including **improvements and new/remaining concerns**. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2016 Annual Report](#). If you do not consent on EASO making your submission available, please inform us accordingly.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input by filling in this document (with attachments, if needed) and returning it to [ids@easo.europa.eu](mailto:ids@easo.europa.eu) **AND** [consultative-forum@easo.europa.eu](mailto:consultative-forum@easo.europa.eu) **by 16 February 2018**.

Within each area, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.

*You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.*

### 1) Access to territory and access to asylum procedure

*According to the Bulgarian Law on Asylum and Refugees and Directive 2013/33/EU, which is part of the national legislation, a third country national (TCN) or a stateless person can declare his wish for provision of international protection in person in front of an official of the Bulgarian State Agency for Refugees (SAR). If the request is provided in front of another state authority, the same is obliged to re-send the request for international protection to SAR, which is carrying out the registration of the application within 3 working days after the initial filing of the application. The application for international protection can be provided in a written, oral or another form and, where needed, translation or interpretation shall be provided. An application which is not provided in writing shall be recorded by the competent official and shall be signed or otherwise authenticated by the applicant and translator or interpreter, respectively.*

### 2) Access to information and legal assistance

*TCN, having stated a wish to apply for international protection, shall be provided with instructions regarding the application process in understandable language for him/her. Not later than 15 days after filing the application for international protection, the applicant shall be informed in writing in understandable language for him/her about the procedure for granting international protection, his/her rights and obligations within the procedure, as well as the relevant NGOs and international organizations providing legal and social assistance to the applicants.*

### 3) Providing interpretation services

*SAR have signed contracts with companies, which provide translator or interpreter's services according to Bulgarian Law on Public Procurement. Depending to the needs and the number of the applicants, accommodated to the SAR's Registration and Reception Centers, translators or interpreters in one, two or more languages are employed in addition.*

### 4) Dublin procedure

*In 2017, Dublin Unit Bulgaria received 7934 incoming request in implementation of the Regulation (EC) № 604/2013. The number of the incoming transfers is 445, respectively the outgoing transfers are 86. There is increase in the number of the outgoing transfers. This is justified by the presence of family members in other EU countries, which falls in the scope of articles 9,10, 11 of the Regulation (EC) № 604/2013. The national's commitments in implementation of the Regulation (EC) № 604/2013 are implemented only by the relevant state authority (SAR, Ministry of Interior – Border Police and Migration Directorate).*

### 5) Specific procedures (border, accelerated, admissibility)

- Border procedure – N/A*
- Admissibility procedure- N/A*
- Accelerated procedure – According to article 70 of the Bulgarian Law on Asylum and Refugees within 10 days after the registration of the application for international protection, the case worker can apply accelerated procedure within the general procedure for granting international protection with taking a decision for refusal of the application as obviously unfounded. The legal grounds for such refusal can be found in article 13 (1) of Bulgarian Law on Asylum and Refugees.*

### 6) Reception of applicants for international protection

*The reception of applicants for international protection is carried out with strict observance of the relevant international, European and national legislation (more information in chapter 11).*

### 7) Detention of applicants for international protection

*For the timely consideration of the applications for international protection or for securing the participation of the applicants, the President of the SAR can order obligatory appearance of the applicant on two weeks basis during the period of the procedure in front of case worker. Where the above-mentioned measure cannot be applied and after assessing the circumstances on an individual*

basis, the applicant can be accommodated temporarily and for a period as short as possible in a close-type reception center. There are four legal grounds for accommodation in a close-type reception center, as follows:

1. For establishing or verification of the applicant's identity or nationality;
2. For establishing of facts and circumstances based on which the application for international protection is provided, where this cannot be done in different manner and there is a risk for absconding of the applicant;
3. Where this is required for the protection of national security or public order;
4. Where this is required for implementation of the Regulation (EC) № 604/2013;

The applicant cannot be accommodated in a close-type reception center for the sole reason that he/she has applied for international protection.

#### **8) Procedures at First instance**

The decision on the substance of the application for international protection can be appealed in front of the relevant Administrative Court on the basis of its legality.

#### **9) Procedures at Second Instance**

The decision of the Administrative Courts can be appealed in front of the Bulgarian Supreme Administrative Court. This is the second and final instance.

#### **10) Availability and use of Country of Origin Information**

In the framework of the first EASO Special Support Plan to Bulgaria (2013-2014) COI Unit was established as part of the International Affairs Directorate of SAR. COI is used in each stage of the procedure for granting international protection.

#### **11) Vulnerable applicants**

The applicants for international protection are accommodated in SAR's reception centers upon preliminary examination of the health status. As a result of the medical examination will be found out whether the applicant belongs to a vulnerable group or whether he/she has special needs. The medical examinations are carried out in the health care cabinets in SAR's reception centers. The health care can be done by a doctor, nurse or paramedic. They carry out activities for initial tests upon registration of the applicants, permanent medical supervision, first aid, control of the hygienic condition of the applicants, preparation and maintenance of medical records for each applicant.

#### **12) Content of protection – situation of beneficiaries of protection**

In April 2017 Bulgarian Council of Ministers promulgated an Ordinance on terms and conditions for the conclusion, implementation and termination of an Integration Agreement for beneficiaries of asylum or international protection. This is the key Bulgarian legislative Act connected with the beneficiaries of protection in relation with the integration process. The beneficiaries of protection have access to the labor market, education, medical service, social assistance and services, accommodation. Furthermore, the beneficiaries of protection can participate in different trainings in Bulgarian language, cultural orientation, professional qualification etc., which are organized by IOM – Bulgaria, UNHCR – Bulgaria, Bulgarian Red Cross etc.

#### **13) Return of former applicants for international protection**

The former applicants for international protection can be returned in their countries of origin by two different procedures. The first one is Assisted Voluntary Return and Reintegration Programme (AVRR) implemented by IOM – Bulgaria. The AVRR assists with the following:

- Getting travel documents;
- Buying flight tickets and giving money for the journey;
- Being able to travel safely as a flight passenger;
- Providing support during the journey and upon arrival in the country of origin;

The AVRR is available for:

- TCN without necessary legal documents;

- TCN with expired resident permit;
- TCN which no longer want to stay in Bulgaria, even if they are beneficiaries of international protection;
- TCN with pending or rejected application for international protection;
- TCN which voluntarily withdrawn their application for international protection;

*The second procedure is the forced return, implemented by Ministry of Interior, Migration Directorate.*

#### **14) Resettlement and humanitarian admission programmes**

*On 21.08.2017 the Council of Ministers of Republic of Bulgaria promulgated a Decision for the Framework of the National Mechanism for fulfillment of the national's commitments on resettlement.*

#### **15) Relocation**

*Republic of Bulgaria fulfil the national commitments in implementation the Decision 2015/1523/EC and Decision 2015/1601/EC. 60 TCN (10 from Italy and 50 from Greece) were transferred in Bulgaria according to the Relocation Mechanism.*

#### **16) Other relevant developments**

*IOM – Bulgaria implements several Projects with the main aim to assist the migrants in facing the increasing challenges of migration, to raise the level of understanding of the issues involved in this process, promote socio-economic development through migration and maintain the well-being and the human rights of migrants. Our Projects are as follows:*

- AVRR;
- Counter Trafficking Project;
- Integration Programme;
- Migration Health Programme;
- Cross- Border Cooperation Project (in cooperation with IOM - Greece and IOM – Turkey)

*Furthermore, funded by AMIF National Programme (2014-2020) IOM – Bulgaria implements several Projects, namely:*

- Provision of social and psychological support to asylum seekers in Bulgaria including identification and support of vulnerable groups;
- Legal Counselling and integration services to asylum seekers in Bulgaria;
- Increasing the awareness of Bulgarian society and migrant communities in Bulgaria;
- Strengthening the capacity of the National Institutions and NGOs in the field of asylum;
- Training and counselling of legal migrants and persons seeking/granted international protection;