



2017 BULGARIA FIELD REPORT

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INTRODUCTION

In late January 2017, Refugee Solidarity Network (RSN) traveled to Bulgaria with the Boston University (BU) International Human Rights Law Clinic as part of an ongoing collaboration. The trip was carried out to gather information on the existing legal framework in Bulgaria, the state of its implementation, the experiences of refugees in the country, and the challenges facing institutional and independent national actors.¹

Such visits to key refugee host countries allow RSN to build connections with independent legal aid actors while better understanding the organizational field in which they operate.

The information in this report is based on interviews with civil society, government officials, and refugees, as well as research by RSN and our partners.

We are especially grateful to our partner and host, Center for Legal Aid - Voice in Bulgaria (CLA) and the Bulgarian Lawyers for Human Rights, for helping to facilitate our meetings, and for sharing their vast expertise with us, as well as the BU students and faculty involved in the project. Despite the dire nature of the situation that refugees face in Bulgaria, our findings suggest that, with additional resources and support, certain actors are well-positioned to make a considerable positive impact on refugees' access to rights.

¹ According to the definition in the 1951 Convention and Protocol Relating to the Status of Refugees, the term “refugee” is applied to a person who is outside of his or her country of nationality or habitual residence and is unwilling to return to it because of “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150 (entered into force Apr. 22, 1954), *available at* <http://www.unhcr.org/3b66c2aa10.html>; Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267 (entered into force Oct. 4, 1967), *available at* <http://www.unhcr.org/3b66c2aa10.html>.

While the term “refugee” refers to people who have been officially recognized as refugees by a government adjudicator or UNHCR, this report uses the term to include both recognized refugees and individuals who are still seeking this status—often referred to as “asylum-seekers” or “protection-seekers.”

STATISTICAL OVERVIEW

Over the past four years, the number of refugees crossing into Bulgaria has increased substantially. According to UNHCR, “From 1 January 2013 to 31 March 2014, approximately 9,175 persons applied for international protection in Bulgaria, mainly Syrians, persons of Palestinian origin from Syria, Algerians, Afghans and Iraqis.”²

In comparison, for 2016 there were over 19,000 such applications, according to official figures provided by the Bulgarian government.³ The top five countries of origin for refugees were Afghanistan, Syria, Iraq, Pakistan, and Bangladesh.⁴

In Bulgaria, the government makes the legal determination as to whether an applicant qualifies for refugee status or subsidiary protection: the latter is a status for those found likely to suffer serious harm if returned to their country of origin for reasons beyond the refugee definition. In 2016, 56% of applications for any kind of status were rejected by the Bulgarian government.⁵ When Syrian nationals are removed from the statistics, the rejection rate jumps to 92%.⁶ In other words, the vast majority of non-Syrians applying for protection are denied.

² United Nations High Commissioner on Refugees (UNHCR), Bulgaria as a Country of Asylum: UNHCR Observations on the Current Situation of Asylum in Bulgaria 4 (Apr. 2014), available at <http://www.unhcr-centraleurope.org/pdf/where-we-work/bulgaria/bulgaria-as-a-country-of-asylum.html>.

³ State Agency for Refugees with the Council of Ministers, *Statistics and Reports*, <http://www.aref.government.bg/?cat=21>.

⁴ Figures courtesy of the State Agency for Refugees. Statistics are released on a monthly basis.

⁵ These statistics only take into account applications that were decided on their merits, and exclude individuals whose applications were suspended or terminated because the applicant left the country.

⁶ Figures courtesy of the State Agency for Refugees. Statistics are released on a monthly basis.

GOVERNMENTAL AND NON-GOVERNMENTAL ACTORS

By becoming a party to the 1951 Refugee Convention and the 1967 Protocol, Bulgaria has accepted the legal obligation to abide by international standards of refugee law and to protect the rights of some of the most vulnerable populations.

The official state institution tasked with meeting these obligations is the State Agency for Refugees (SAR). The Agency is responsible for registering applications for international protection, providing housing and basic services to refugees, and conducting determinations of asylum and humanitarian protection claims. The Migration Directorate, on the other hand, is in charge of people who have not sought international protection, or whose protection claims have been rejected by a final decision.



In the NGO arena, a number of entities, mostly national, provide basic services to refugees. The Bulgarian Red Cross, Council of Refugee Women, Caritas Bulgaria, and the Assistance Centre for Torture Survivors (ACET) are some of the main providers of humanitarian and psychosocial services to refugees in Bulgaria.⁷

⁷ Note that recently ACET has ceased to operate in this sphere.

The three main providers of legal aid to refugees in the country are the Bulgarian Helsinki Committee (BHC), Foundation for Access to Rights (FAR), and CLA. BHC is the largest provider of legal services to refugees, and is an official implementing partner of UNHCR.

BHC works in government refugee centers throughout the country to provide basic legal services such as information provision, know-your-rights counseling, and assistance facilitating refugees' access to the asylum procedure. Due to the scale of refugees' needs in the country, the government of Bulgaria increasingly relies on NGOs to provide critical services to this vulnerable population.

VIEW FROM THE FIELD

During the visit, RSN observed CLA's work and discussed the situation from the vantage point of independent legal aid providers. By speaking with refugees actively receiving CLA's assistance, RSN saw the unique and necessary role that such organizations play in providing personalized, advanced legal services to refugees navigating difficult bureaucratic procedures, in a language they are wholly unfamiliar with. These discussions provided us with invaluable insight into the state of refugee protection in Bulgaria, and the difficulties of the lived experience of seeking protection in the country.

Our visit included trips to two so-called "open centers" in Bulgaria, administered by SAR. These are dormitory-type buildings where refugees reside while their claims are processed, with the right to leave the compound for set hours each day. Seeing the dynamics of these centers and the way they shape refugees' experiences in Bulgaria helped us identify some of the service and information gaps that can affect refugees' access to asylum procedures.

RSN and our partners held meetings with SAR and the Migration Directorate, the International Organization for Migration (IOM), UNHCR, the Foundation for Access to Rights (FAR), Bulgarian Lawyers for Human Rights, and BHC. We discussed the structure of the international protection system in Bulgaria, the procedures for accepting refugees into the country, and the systems for processing claims for international or humanitarian protection. These meetings also explored the

conditions of housing and detention, voluntary returns, and the day-to-day work and projects of the legal aid organizations serving refugees.

RSN LOOKS AHEAD

In the near future, RSN is looking to expand its partnership with independent legal aid institutions on the ground in Bulgaria. These national organizations, such as CLA and FAR, offer an important lifeline to refugees through their free comprehensive legal services, as well as their independent human rights monitoring and advocacy.

These actors are well-positioned to provide personalized, follow-on legal services that go beyond initial counseling. They also understand the larger dynamics of Bulgaria's court system, including the pressures and factors that are causing high rates of denial and ongoing difficulties in accessing the international protection process. Despite this potential, like all refugee programs in Bulgaria, these organizations continue to face capacity limitations.

Hope lies in the present opportunity to make a significant impact with the right interventions. Ensuring access to legal rights and procedures is very much possible through efforts such as expanding the supply and improving the quality of state-funded legal aid. Steps should also be taken to expand opportunities for the provision of pro bono representation, and to target and coordinate advocacy efforts.

ABOUT RSN

RSN is a US-based 501c3 tax-exempt organization working to protect and expand the rights of refugees. Since 2015, RSN has worked in partnership with Turkey's leading legal NGO, Refugee Rights Turkey (RRT), to operate a Center for Refugee Rights in Istanbul. The Center provides free-of-charge legal services to refugees, while creating reference and training materials for lawyers from across the country. RSN works to build the capacity of national NGOs with legal expertise, such as RRT, by providing administrative, technical, funding, and research support.

RSN's legal fellowship identifies US law students and lawyers and coordinates their placement with partners in the field. In 2016, RSN, with the support of Boston University School of Law, sponsored a legal fellow to be hosted by CLA. This fellowship allowed for important coordination and engagement between the organizations, and allowed for a particularly fruitful field visit. RSN looks forward to continuing engagement with and support to CLA and other similar actors in the field.

Report cover photo courtesy of istock.com/Anton Chalakov.

