

## STATUS OF THE REFUGEES IN BULGARIA

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**ABSTRACT:** THE REFUGEE PROBLEM IN BULGARIA EMERGED IN THE SECOND HALF OF 2013. THERE ARE ISSUES RELATED TO REFUGEE STATUS IN BULGARIA, WHICH IS A CENTRAL PROBLEM OF THIS ARTICLE. CLOSE EXAMINATION OF A NUMBER OF NATIONAL AND SUPRANATIONAL REGULATIONS GOVERNING DOCUMENTS THAT DEFINE EFFECTIVE PRACTICES FOR THE PROTECTION OF THE REFUGEES IN BULGARIA.

**KEY WORDS:** REFUGEE, IMMIGRANT, ASYLUM, TEMPORARY PROTECTION, REFUGEE STATUS, HUMANITARIAN STATUS, INTEGRATION CENTER

THE refugee problem in Bulgaria emerged in the second half of 2013. The problem arises with the influx of refugees, mostly from Syria, the inability of the state to deal effectively with the problem and emerging social tensions among the Bulgarian citizens. Foreigners wishing refugee status are mainly from Africa, the Middle East and some countries in Asia. In recent months the principal amount of illegally crossing the border coming from Syria because of the civil war there. There are issues related to their status in Bulgaria, which is a central problem of this article.

**ACCORDANCE** with the Convention the status of Refugees (Geneva Convention) 1951 [7], *refugees are persons, which are located outside their country of citizenship (or, if stateless outside the country of his former habitual residence) and founded fear of persecution because of their race, religion, nationality, membership of a particular social group or political opinion or belief.*

**ACCORDING** to the Bulgarian Law on Asylum and Refugees 2002 [1] refugee status is granted to a foreigner who founded fear of persecution because of their race, religion, nationality, membership of a particular social group or political opinion and/or belief, is outside the country of origin or, if stateless, is outside the country of permanent residence and those reasons can not or does not wish to benefit from the protection of that country or return to it. The refugees can not count on protection from their own country. If another country does not allow them on its territory and not support them, if already in its territory, it means living in constant hiding, without food and without rights. Protection of refugee is a viable solution, enabling him to rebuild their lives in dignity and peace.

IT is difficult to distinguish economic migrants from refugees. Migrants voluntarily leave their countries to settle elsewhere and the reasons are different from the above. They may have a desire for change or adventure, or by family or other personal reasons as well as economic considerations.

IN a special Directive 2011/95/ European Union 2011 [6] on standards for the qualification of third country nationals or stateless persons as persons, of beneficiaries of international protection, for a uniform status for refugees or persons, eligible for subsidiary protection and the content of the protection granted, "Refugee" means a third country national who, owing to persecution, based on race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, because of such fear, is unwilling to avail himself of the protection of that country, or a stateless person, which it is located on the above reasons outside the country of his former habitual residence, is unable or, owing to such fear, unwilling to return to it, and in respect of which do not apply Article 12. (the said Article 12 provides for exceptions in which third-country nationals or stateless persons are excluded from being a refugee).

**REFUGEE** is forced to leave their country of origin due to well-founded fear of persecution and are protected by international law. Protection of a refugee is tantamount to saving lives.

**THE** economic immigrants voluntarily leave the country in search of better job opportunities and development. He could return to his homeland because protected by the government and the rights defined by its laws.

**REFUGEE** issues are the subject of international law after the Second World War. In 1951 an act was passed leading international refugee law - Convention relating to the Status of Refugees (Geneva Convention) [7]. It applies to persons who are outside their country of origin as a result of events occurring until 1951.

**IN** connection with the new crisis arose in the 50s and 60s Convention is supplemented by Protocol relating to the Status of Refugees of 1967 [11], which is independent of it. It eliminates the time and geographical constraints.

**RELATION** to the refugee problems are and the Convention against Torture and other forms of inhuman or degrading treatment or punishment - United Nations on 1984 [8] and the Convention on the Rights of the Child 1990 [9].

**CONVENTION** relating to the Status of Refugees (Geneva Convention) 1951 [7] defines the term "refugee", establishes minimum standards of treatment for persons who have demonstrated that qualify for refugee status, applies to stateless persons, persecuted in the country of habitual residence, and contains provisions on the rights and obligations of refugees in the country, granted them asylum. It has been ratified by the National Assembly of the Republic of Bulgaria on April 22, 1992.

**THE** Law on Asylum and Refugees, 2002 [1] lays down the procedure for granting special protection of foreigners on the territory of Bulgaria, as well as their rights and obligations.

**THE** Bulgarian government provides **four types of protection**:

1. **Asylum** – granted by the President of the Republic of Bulgaria to foreigners persecuted for their beliefs or activities in defense of internationally recognized rights and freedoms.
2. **Temporary protection** – is provided by the Council of Ministers established by decision of the Council of the European Union in the event of a mass influx of foreigners who are forced to leave their countries of origin because of armed conflict, civil war, foreign aggression, human rights violations or violence in large size of the territory of the country or in a separate area of it and therefore can not return there.

3. *Refugee status* – is provided by Chairman of the State Agency for Refugees foreigner meets the criteria defined in the Convention relating to the Status of Refugees (Geneva Convention) [7] and the Law on Asylum and Refugees [1].

4. *Humanitarian status* – is provided by Chairman of the State Agency for Refugees. Pursuant to Art.9, paragraph 1 of the Law on Asylum and Refugees [1], humanitarian status is granted to a foreigner compelled to leave or remain outside their country of origin, because in this country is at a real risk of serious harm, such as: death penalty or execution; torture or inhuman or degrading treatment or punishment; serious and individual threat to life or his personality as a civilian because of violence in situations of international or internal armed conflict.

**ASYLUM**, refugee and humanitarian status is granted on the basis of individual examination of the application, while temporary protection is defined as a group, each member of the group is considered *prima facie* (ie in the absence of evidence to the contrary) as a refugee.

#### *What are the basic rights and obligations of asylum-seekers in Bulgaria?*

**THE** applicant for refugee status is obligated to fulfill the orders and do not interfere with the officials in the performance of their duties; to submit all of his and the accompanying minor and underage documents which can be used to establish identity and citizenship, and the way of movement and their entry into the Republic of Bulgaria; when does not have documents to verify their identity, date and place of birth, marital status, and those of the accompanying minor children by a declaration before an official the veracity of which criminal liability under Art. 313 of the Criminal Code [3]; to stay at addresses authorized by the State Agency for Refugees; not enter the border zone of the Republic of Bulgaria without proper authorization; not to leave the territory of the Republic of Bulgaria without the permission of the State Agency for Refugees; to contribute to the clarification of his case by announcing a full and reliable information to the relevant officials.

**THE** foreigners granted asylum or refugee status have equal rights and obligations. They acquire the rights and obligations of Bulgarian citizens provided by the Constitution and laws of the Republic of Bulgaria, with the exception of: the right to participate in elections for state and local authorities; the right to participate in national and local referendums; the right to participate in the creation and members of political parties; the right to occupy positions to which the law requires a Bulgarian citizenship; the right to be soldiers. Foreigners granted humanitarian status have the rights and obligations of foreigners with permanent residence permits in the Republic of Bulgaria.

**PERSONS** with refugee or humanitarian status are obliged to appear within 14 days in the municipality of the settlement, which will be established in order to be entered in the registers; have the right to ask to reunite with his family in the Republic of Bulgaria; entitled to financial assistance for housing for a period of 6 months from the entry into force of the decision to grant the status; entitled to acquire Bulgarian citizenship under the terms and conditions of Law on Bulgarian Nationality; have the right to an identity document and a certificate for traveling abroad.

**FOREIGNERS** in respect of which judgment was given temporary protection have the right to remain in the territory of the Republic of Bulgaria for the period of temporary

protection; registration card; social security; suitable accommodation, medical care, labor and vocational training.

*The procedure for granting refugee status in the Republic of Bulgaria implies the following steps:*

1. Entry of the foreigner seeking protection in the Republic of Bulgaria. Most often this occurs without identity documents in the custody of the Border Police or sitting alone in the State Agency for Refugees.
2. Registration of the applicant. Mandatory disclosure of candidate status information about their rights and obligations in a language he can understand.
3. Medical examination in transit or registration reception center.
4. Procedure for determining the Member State responsible for examining the asylum application.
5. Accelerated proceedings. Passes through each candidate status with the exception of unaccompanied minors. Shall be conducted within three days. Separated manifestly unfounded applications for refugee status. The applicant whose application is rejected as manifestly unfounded, is entitled to appeal the decision to the administrative court at the current address of the registration card.
6. Proceedings in a general order. It shall examine the application of foreigners admitted for consideration in a general order. Candidate interviews are held. The period of production in a general order is up to three months. In case of rejection of the application the applicant has a right to appeal under the Administrative Code.
7. Have been granted refugee acquires a Bulgarian citizen except as expressly provided by law.

IN the Republic of Bulgaria have called Integration centers that take refugees on their arrival.

*The Integration Centre* is the territorial division of the State Agency for Refugees and support the integration of refugees in the Republic of Bulgaria in accordance with the Convention relating to the Status of Refugees (Geneva Convention) [7], Protocol relating to the Status of Refugees of 1967 [11], Law on Asylum and Refugees [1] and National Programme for Integration of Refugees in Bulgaria [4].

**INTEGRATION** Centre for Refugees supports the integration of refugees as:

- ⇒ plan and organize training in Bulgarian language;
- ⇒ organized jointly with the regional education inspectorates activities ascertain the extent of the knowledge acquired in Bulgarian language seekers and foreigners granted protection and directing them to a designated educational institution;
- ⇒ plan and organize the professional qualifications of foreigners seeking and receiving protection through training in the offices of the Centre;
- ⇒ implement programs for social protection and integration of foreigners with special needs;
- ⇒ counseling on social assistance and directed to social welfare services;
- ⇒ organize and carry out activities for cultural adaptation of foreigners seeking and receiving protection;
- ⇒ plans and organizes sports and health education activities.

**FOR** beneficiaries of refugee or humanitarian status in 2005 began the implementation of National Programme for Integration of Refugees in Bulgaria [4], by which effectively supports the process of adaptation and integration of newly recognized refugees in Bulgarian society.

**THE** main purpose of National Programme for Integration of Refugees in Bulgaria [4] is a newly recognized refugees to adapt to the new host environment and for up to one year: To speak Bulgarian language, learn a profession, to get acquainted with the state device, institutions, traditions and our culture and switch to fend for themselves.

**INTEGRATION** measures allow for minimum social protection of refugees for the period of their training and include financial assistance for housing, social assistance, health insurance, Bulgarian language training, social orientation and cultural adaptation, training, translation services and assistance for the realization of basic rights and opportunities. Mandatory requirement for access to financial assistance is refugee participation in courses for Bulgarian language, social orientation and vocational training.

**THE** National Programme for Integration of Refugees in Bulgaria [4] provides a medium-term actions of the State Agency for Refugees, other state institutions, local governments and non-governmental organizations to create economic, social, political and cultural prerequisites for the integration of the refugees in Bulgarian society in accordance with Convention relating to the Status of Refugees (Geneva Convention) [7], Protocol relating to the Status of Refugees of 1967 [11], Charter of fundamental rights of the European Union [10], Directive 2003/9/ European Union [5] laying down minimum standards for the reception of asylum seekers, Law on Asylum and Refugees [1], Constitution of the Republic of Bulgaria [2] and domestic legislation. The program is based on the common basic principles of integration policy for immigrants in the EU, applied for our country:

1. The integration is a dynamic, long two-way process of mutual adaptation of immigrants and citizens of the host country.
2. The integration requires respect for the basic values of the European Union and Bulgaria.
3. Employment plays a key role in the integration process.
4. The basic knowledge of the language, history and institutions of the host society is crucial for integration.
5. Support in education is crucial for successful and active participation in public life.
6. Providing access to institutions and to public goods and services on par with nationals and without discrimination.
7. Communication and interaction with local citizens is a fundamental mechanism for integration.
8. The right to cultural and religious identity ensure except when cultural or religious practices contrary to inviolable under European and national law rights.
9. Participation in the democratic process and in the formulation of integration policies, especially at the local level, supports the integration process.
10. Integration policies and measures is included as part of all relevant policies and levels of management.

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