RECEPTION OF ASYLUM SEEKERS IN BULGARIA

ADVOCACY PAPER

SAFEGUARDING REFUGEE PROTECTION IN BULGARIA

This project is financially supported by the Social Transformation Programme (MATRA) of the Netherlands Ministry of Foreign Affairs.
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INTRODUCTION

The Advocacy papers on access to international protection, reception and integration of refugees in Bulgaria (Advocacy papers) have been developed by the Bulgarian Council on Refugees and Migrants within the framework of "Safeguarding Refugee Protection in Bulgaria” Project, financed by the Dutch Ministry of Foreign Affairs under the Social Transformation Programme (MATRA) with the support of the Dutch Council for Refugees.

The Bulgarian Council on Refugees and Migrants (BCRM) is a civil society organization acting in the field of asylum and migration in Bulgaria.

The BCRM was founded in 2005 by the Bulgarian Red Cross, the Bulgarian Helsinki Committee and Caritas-Bulgaria as a platform of their activities related to the refugee and migration policy, protection and integration of refugees and migrants. The Association for Integration of Refugees and Migrants joined the BCRM in 2007.

The BCRM is a platform for advocacy, lobbying and fundraising for the protection, reception and integration of refugees and migrants. The BCRM aims to further develop the relations among the nongovernmental organizations, based on common principles and values, division of functions and responsibilities. The BCRM objective is to enhance the role of the civil society in the formulation of a fair and just national and European asylum, migration, and integration policy and practice.

The vision of the BCRM is aimed at a fair and efficient asylum and migration system, with the active role of the civil society. The policy and practice for protection, reception and integration of refugees and migrants in Bulgaria to include and apply the internationally recognized principles and standards based on respect for human rights and human dignity.

The Mission of the BCRM is to ensure the sustainable role of the civil society organisations in the system for protection, reception and integration of refugees. It is focused on building a system where every person may freely participate in all spheres of activities of the Bulgarian society, based on the principles of equality, non-discrimination and tolerance. The BCRM works to develop and strengthen the cooperation and partnership between the state institutions, local authorities and non-governmental organizations for legal and social protection to refugees, and encourages intercultural dialogue, tolerance and non-discrimination towards refugees and migrants.
The BCRM, as an association of organisations of longstanding experience and professional competency has the capacity to influence and support the social transformation towards efficient protection and integration of refugees and migrants.

The development of these advocacy papers shall further enhance the role of BCRM in the formulation and implementation of the national policy and practice on access to international protection, reception and integration of refugees in compliance with international and European legal instruments and standards.

The advocacy papers were prepared on the basis of:

- The ideas and principles laid down in the BCRM Common Vision paper on protection, reception and integration of refugees in Bulgaria;
- The valuable expertise and support of the Dutch Council for Refugees;
- The knowledge and skills gained by BCRM and member organizations experts during the trainings and workshops on advocacy and lobbying under the Safeguarding Refugee Protection in Bulgaria Project:
  - Advocacy and Lobby Training, 13-14 November 2008, Sofia
  - Advocacy and Lobby Workshop on Access to Territory and Refugees Status Determination Procedure, 26-27 February 2009, Svilengrad
  - Advocacy Workshop on Integration of Refugees in Bulgaria, 10-11 March 2010, Sofia

The advocacy papers present three main areas of advocacy:

1. Advocacy on access to international protection for asylum seekers
2. Advocacy on reception of asylum seekers, and
3. Advocacy on integration of refugees.

The papers cover three intersection fields of advocacy:

1. Antidiscrimination
2. Asylum seekers and refugees with special needs
3. Participation of refugees in the formulation and implementation of measures related to integration and reception
Antidiscrimination issues, refugees and asylum seekers with special needs, refugee participation in the process of formulation and implementation of integration and reception measures are very important to the above three main areas, and are therefore referred to as separate intersection fields.

BCRM shall prepare annual Plans of Action based on the findings and recommendations of the Advocacy Papers with key priorities, concrete activities, indicators, and deadlines.
I. SUB-AREAS OF ADVOCACY ON RECEPTION OF ASYLUM SEEKERS:

HOUSING

HEALTH INSURANCE AND MEDICAL CARE

SOCIAL ASSISTANCE

EDUCATION AND TRAINING IN BULGARIAN LANGUAGE

EMPLOYMENT
CONTENTS

II. INTERSECTION FIELD OF ADVOCACY:

ANTIDISCRIMINATION

REFUGEES AND ASYLUM SEEKERS WITH SPECIAL NEEDS

REFUGEE PARTICIPATION IN THE PROCESS OF FORMULATION AND IMPLEMENTATION OF MEASURES RELATED TO RECEPTION AND INTEGRATION
Reception of asylum seekers in Bulgaria is an important part of the national protection system. Measures taken during the first months after filing an application for protection are crucial for asylum seekers to regain their human dignity, physical, mental and emotional balance.

The set of measures covers the issues of housing, health care, social assistance, education of children of asylum seekers and the right to employment. Of particular importance is the early identification of asylum seekers with special needs and measures for their social protection.

The longstanding experience and practice of BCRM and member organisation, and the results and recommendations of the Annual Age, Gender, Diversity and Mainstreaming Surveys done jointly with the UNHCR Representation in Bulgaria served as good basis for the elaboration of the relevant advocacy measures.

In terms of legislation, the advocacy objectives and actions were formulated on the basis of: the Constitution of the Republic of Bulgaria; the Convention Relating to the Status of Refugees of 1951, Directive 2003/9/EC of 27.1.2003 laying down minimum standards for the reception of asylum seekers, the Law on Asylum and Refugees (LAR) and other acts of the Bulgarian and European legislation.
The State Agency for Refugees with the Council of Ministers (SAR) has a limited reception and accommodation capacity in registration-and-reception centers at the Agency. In 2009 the total accommodation capacity was 485, of which 425 in the registration-reception centre – Sofia, and 60 – in the village of Banya near Nova Zagora. The Transit Center (TC) in Pastrogor with total capacity of 300 has not yet come into operation.

Asylum seekers are entitled to shelter and food in transit, registration-and-reception centers, or in any other place of shelter if they meet certain conditions. Assessment of the health condition, family and financial situation is done according to procedures established by the Chairperson of the State Agency for Refugees.

Art. 30a of the Law on Asylum and Refugees sets out that particular attention should be paid to social protection of vulnerable asylum seekers.

The law lays down limitations on the right to shelter, food and social assistance to certain categories of asylum-seekers who are not identified as vulnerable. According to Art. 29 (5) of the LAR the following groups of asylum seekers are not eligible for shelter, food and social assistance:

• Asylum seekers who have filed a subsequent application for status determination;
• Asylum seekers of whom proceedings on the application for status have been suspended.

Thus, some groups of asylum seekers are put in a disadvantageous position, the measures taken are discriminatory and often these same persons are left without shelter or subsistence assistance.

Asylum-seekers, who have the means to meet their basic needs, can obtain permission for housing on their own account, at the address of their choice, not being eligible for financial or in-kind assistance by the State Agency for Refugees.

Practice shows that asylum seekers placed in the Special Centre for Temporary Aaccommodation of Foreigners (SCTAF) in Busmanci under the Migration Directorate of the Ministry of Interior (MoI) have a serious problem in terms of access to information, although they have applied for protection. Most of them are not aware of their rights for accommodation at the centers of the State Agency for Refugees. There are cases where asylum seekers have been given incorrect information that the only way to leave the center for temporary accommodation is to declare that they have their own
means of subsistence, and provide the address at which they will reside. After filling in the relevant declaration, and after leaving the centre for temporary accommodation, they find themselves practically on the street.

There are also problems with the accommodation of asylum seekers who have initially stated they have their own financial means to pay rent. Soon they find themselves in a different situation, without money and nowhere to live. There is no mechanism to monitor the changes that have occurred over time in respect to their health or financial condition, so that in case they are left without shelter, to be offered accommodation in the registration-and-reception centers.

Asylum seekers accommodated in the registration-reception centers often face difficulties connected with the living conditions at the premises, the availability of appliances for preparing food, food storage, washing, drying, and ironing.

The subsistence allocation (65 BGN per month) is utterly insufficient to ensure the healthy nutrition of asylum seekers.

**Advocacy for:**
1. Detailed information on the procedures for accommodation of asylum-seekers in reception-registration centers of the State Agency for Refugees. Information should be available to all asylum seekers, including those who have applied for protection, but have been placed at the Special Center for Temporary Accommodation of Foreigners in Busmanci under the Migration Directorate of the Ministry of Interior.
2. Clear rules for the assessment of health, family and financial situation of asylum seekers, which should include: initial assessment and regular monitoring of the individual needs of all asylum seekers.
3. Mechanism for alternative accommodation in case of lack of capacity in the registration-reception centers (due to large numbers seeking protection, or in case of renovation activities).
4. Amendments to the Law on Asylum and Refugees to abolish restrictions on access to accommodation, food and social support to some categories of asylum-seekers as set out in Article 29 (5).
5. Improved accommodation conditions in the reception-registration centers (for preparing food, washing, drying, ironing, etc.)
6. Replacement of the financial allowance of 65 BGN with food packages or meals at canteens, in compliance with the standards and the financial estimates established in similar specialized social institutions of the Ministry of Labour and Social Policy.
Access to medical services is a fundamental human right. It is especially important for asylum seekers during the refugee status determining procedure. Most often they arrive with serious health problems due to the hardships of persecution and torture in their countries of origin.

According to Art. 29 (1), (4) and (5) of the LAR asylum seekers are entitled to health insurance, accessible medical care, free medical services and psychological support under terms and procedures applicable to Bulgarian nationals.

Following registration of the application for protection at the SAR, and after accommodation in the registration-reception centers, asylum seekers are obliged to undergo medical checkups.

Asylum seekers are entitled to health care from the moment of opening the refugee status determining procedure. Payment of health insurance during the procedure is made by the State Agency for Refugees with funds from the state budget.

Practice shows that most often asylum seekers are not able to choose personal GPs for the following reasons:

- Asylum seekers are not familiar with their rights and obligations related to health insurance;
- Asylum seekers do not speak Bulgarian;
- GPs are reluctant to register asylum seekers on their patients' list, for they are not familiar with their health insurance rights

Difficulties related to access to health care for asylum seekers:

- The State Agency for Refugees does not provide interpreters or accompanying persons to asylum seekers in need of medical checkups or medical tests. These types of services are provided by the Bulgarian Red Cross and the Council of Refugee Women in Bulgaria under a project, financed by UNHCR.
- Manifestation of xenophobia and racism towards asylum seekers in their choice of GPs, and access to health care.
- Medical doctors often require payment in cash for provided medical services, as they are not acquainted with the health insurance rights of asylum seekers. Sometimes doctors take advantage of asylum seekers' inability to understand Bulgarian.
Advocacy for:

1. Mandatory information meetings with newly registered asylum seekers to explain their rights and obligations relating to health insurance in a language they understand.

2. Mediators from the refugee community to assist and interpret for needy asylum seekers in their choice of GPs, visits to the doctor, medical tests and/or buying medicines.

3. Establishment of procedures on the choice of GPs by asylum seekers (jointly by the State Agency for Refugees, the District Health Centers and the National Association of GPs in Bulgaria)

4. Development of a database of GPs who have recorded refugees and asylum seekers on their patients' lists.

5. Development of a training module for GPs, medical doctors in hospitals and other medical specialists to acquaint them with the rights and obligations of refugees and asylum seekers in Bulgaria.

6. Involvement of refugees/immigrants working as MDs, dentists or medical nurses in the provision of health services to refugees and asylum seekers.
SOCIAL ASSISTANCE

According to Art.25 of the Universal Declaration of Human Rights everyone has the right to a standard of living, including food, clothing, housing, medical care and necessary social services, adequate for the health and well-being of himself and of his family.

The right to social support to citizens, who for various social and health reasons are unable to meet their needs is guaranteed by the Constitution of the Republic of Bulgaria.

Being forced to flee from the country of origin, a small part of asylum seekers have the financial means to support themselves. Most of them lack shelter, food, clothes or medicines.

Asylum seekers are entitled to the same social assistance as provided to Bulgarian citizens after assessment of their health, family and financial status. Social assistance to asylum seekers during refugee status determining procedure is provided by the State Agency for Refugees with funds from the state budget. In emergency cases related to health, education, household and other needs, asylum seekers may apply for one-time social assistance.

NGOs provide social assistance to vulnerable asylum seekers under programmes, financed by UNHCR.

Problems related to social assistance:
• The first social support given to asylum seekers is a food package - mostly canned food (for 5 days) for adults and children, no matter whether there are more than 5 days left to receive their monthly financial allowance
• No social interviews/assessment of individual needs of newly registered asylum seekers is done at the registration - reception centers.
• Social assistance is usually limited to financial support, while other social services are neglected.
• Asylum seekers do not speak Bulgarian, so they need to be accompanied and offered interpretation.
• Lack of capacity and programs for social services to asylum seekers with special needs. Different cases are considered on an individual basis. Practice shows that they are left to the care of NGOs under UNHCR programes
• Refugee communities' capacity is not fully used.

Advocacy for:
1. Mandatory social interviews of newly registered asylum seekers to
2. Mediators from refugee community to assist and offer interpretation to needy asylum seekers.
3. In-kind benefits granted to asylum seekers to be tailored to their needs, age, religion, culture.
4. Specific measures for social support to asylum seekers with special needs.
5. Prioritising the social assistance for asylum seekers with special needs under the multi-annual and annual National programmes of the European Refugee Fund (ERF).
Bulgarian language training is an important factor for the adaptation and integration of asylum seekers in Bulgaria. Asylum seekers may attend Bulgarian language courses, organized at the Integration Center of the SAR, although their training is voluntary and is not bound by a certificate for completion of the course.

Admission of asylum seekers’ children to kindergartens is difficult because of the recently introduced special procedures for enrollment of children in kindergartens (applying through Internet once a year), especially in Sofia and other big cities.

Children of asylum seekers are entitled to education in Bulgarian state and municipal schools under the same rules and procedures applicable to Bulgarian citizens. In compliance with the Convention on the Rights of the Child and the UN Convention Relating to the Status of Refugees of 1951, the right to education for all refugee children is guaranteed by law, regardless of their legal status. Under the Convention Relating to the Status of Refugees, Bulgaria has considerably extended its commitments by providing access to asylum seekers, refugees and humanitarian status holders to both primary and secondary education. Refugees are also entitled to education at higher institutions under the same conditions established for Bulgarian citizens.

However, admission of children of refugees and asylum seekers to schools is difficult: The initial text of Art.26 of the LAR stated that children below the age of 18 have the right to education at the state and municipal schools of Bulgaria in accordance with the procedures established by the Chairperson of the State Agency for Refugees and the Minister of Education and Science.

Following the amendment of the above text (SG.52/07), the Ordinance № 3 of 27 July 2000 on admission procedures of refugees in the state and municipal schools of Bulgaria, issued by the Ministry of Education and Science (SG 74 / 2000), adopted on the basis of the previously stipulated text, was also “tacitly” repealed. This amendment was a step backward from the already established standards for access to education and training. Practically the law created legal obstacles to the exercising of the right to education of children of refugees and asylum seekers in contradiction to the international standards for child protection.

At present the requirement of Article 10, it. 2 of CD 2003/9/EC of 27.1.2003 laying down minimum standards for the reception of asylum seekers, under which "access to the education system shall not be postponed
for more than three months from the date the application for asylum was lodged by the minor or the minor's parents” is not applied. The rules and regulations on education of asylum seekers and refugee children in Bulgarian state and municipal schools are outdated. There are still no standard criteria for assessment of the level of children's knowledge and its compliance with Bulgarian educational requirements.

**Advocacy for:**

1. Rules and regulations on education of children of asylum seekers and refugees in compliance with the European legislation and good practice.
2. Standard criteria for assessment of the level of knowledge of Bulgarian language of children of asylum seekers.
3. Rules and regulations guaranteeing additional training in Bulgarian language for children of asylum seekers.
4. Encouragement the inclusion of asylum seekers in Bulgarian language courses.
5. Educational courses on different school subjects in addition to the school curriculum for children of asylum seekers.
6. Consultation meetings with parents to encourage children's education and work up a plan of initial assessment and inclusion of children below 18 years of age in the education system.
7. Monthly financial allowance to asylum seekers children who attend Bulgarian schools.
8. Covering the kindergartens fee for asylum seekers children.
10. Intensive courses in Bulgarian language for unaccompanied children placed at institutions for children deprived of parental care in order to be able to continue with their education.
EMPLOYMENT

According to Art. 29 (3) of the LAR asylum seekers who have been under refugee status determining procedure for more than 12 months do have the right to work.

Practice shows that most of them start looking for jobs as early as following the first month of their stay in Bulgaria. Asylum seekers accommodated at registration-reception centers receive subsistence allowance to the amount of 65. - BGN per month, quite insufficient for their daily needs, which makes them work illegally.

The existing legal possibility for asylum seekers to work during the refugee status determining procedure in most cases is not practically possible. The reasons are: rising unemployment rates in the country in the last year, employers' unawareness of the right of asylum seekers to work during the refugee status determining procedure, poor knowledge of Bulgarian language, manifestations of xenophobia and racism, particularly against foreigners of African origin.

Advocacy for:

1. Shortening to six months from the start of the refugee status determining procedure for asylum seeker to have the right to work.
2. Information to employers about the rights and obligations of asylum seekers who have access to the labor market.
3. Bulgarian language courses for asylum seekers from the moment of opening the refugee status determining procedure.
Refugees and asylum seekers are potential victims of human rights violations in Bulgaria. They expect the international community and in particular the host country to guarantee their protection. However, granting refugee or humanitarian status does not always mean guaranteeing protection. Unfortunately, to be a refugee sometimes means to be a subject of racist or xenophobic attacks. Effective protection of refugees must include an active antidiscrimination policy and multicultural education to create a tolerant and respectful environment, providing equal opportunities for all.

The negative attitude towards asylum seekers and refugees in Bulgaria is connected to the country of origin, color of skin, poor knowledge of Bulgarian language, manner of dress, low financial and material status, habits, customs, culture and lifestyle.

Manifestations of discrimination, racism and xenophobia have different dimensions, and affect all spheres of public life: place of work, transportation, health care, schools, shops, etc. Surveys among asylum seekers and refugees indicate that they often become victims of attacks by nationalist groups or skinheads. Refugees from Africa especially, when trying to find a job are often confronted with offensive and discriminatory treatment. Low paid jobs without employment contracts is the usual expression of discrimination.

**Advocacy for:**
1. Strict compliance with to the principle of "non-refoulment" of asylum seekers by responsible state institutions.
2. Objective coverage by the media of the policy for access to protection, reception and integration of asylum seekers and refugees in Bulgaria.
4. Campaigns against acts of discrimination, racism and xenophobia exercised towards refugees and asylum seekers.
5. Annual award for media excellence in combating discrimination, racism and xenophobia acts against asylum seekers and refugees.
6. Raising Awareness Campaigns of the rights of refugees and persons with humanitarian status, including in schools and universities.
7. Stronger cooperation and partnership amongst government and
NGOs in combating discrimination, racism and xenophobia.

9. Including the topics of antidiscrimination, intercultural communication, human rights in the training programmes of civil servants working with/for refugees and persons with humanitarian status.

10. Refugee participation in training, campaigns and other activities for preventing and combating discrimination, racism and xenophobia.

11. No restrictions for refugees on the right of work or self-employment for certain professions or areas of economic life.

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**ASYLUM SEEKERS AND REFUGEES WITH SPECIAL NEEDS**

Art.30a of the LAR defines the vulnerable groups of asylum seekers and refugees who should be given particular consideration, as follows: minors or children under the legal age, pregnant women, elderly, single parents with minors or under the legal age children, persons with disabilities and persons who have been subjected to mental, physical or sexual abuse.

The process of identification of vulnerable groups begins with the registration and the first interviews held with asylum seekers, where the role of trained interviewers, interpreters, social and medical workers is extremely important and responsible.

It is very important to develop individual plans for social adaptation and subsequent integration for vulnerable asylum seekers and refugees.

Currently there are no clear rules for work with asylum seekers with special needs. The quality of the procedure is crucial for the integration of refugees. Asylum seekers with special needs often face social, economic and legal problems that require daily care and support.

Among the staff members of the registration-reception centre in Sofia there are no social workers and psychologists. Identification, consultation and recommendations for providing specific health, social and psychological support is not based on individual assessment and individual plans.

No training has been provided in recent years to SAR's officials on how to work with persons with special needs.

There are no procedures established to appoint guardians or custodians of unaccompanied minor asylum-seekers.

Children accommodated at institutions for children deprived of parental care have no access to additional courses in Bulgarian language.
Studies show that some of them do not attend school and are completely isolated.

There is no current database of asylum seekers with special needs, which is an obstacle to monitor their condition, to develop and implement long-term measures for social adaptation and integration.

**Advocacy for:**
1. Needs assessment of asylum seekers and refugees with special needs.
2. Training the officials and staff of the registration-reception, transit and integration centers to work with asylum seekers and refugees with special needs.
3. Creation of a database of asylum seekers and refugees with special needs to monitor their condition and plan relevant long-term measures.
4. Create a database of asylum seekers and refugee children at risk.
5. Amendment of the Law on Asylum and Refugees to include procedures for appointing a guardian or custodian of unaccompanied minor asylum seekers.
6. Specific measures for housing and care of unaccompanied minors (protected housing, access to education, medical services, foster care, etc.).
7. Tailored support to asylum seekers and refugee children under the legal age to guarantee equal opportunities for access to the labour market (additional training, consultations).
8. Specific measures for consultations, guidance and provision of psychological and medical care to asylum seekers and refugees victims of psychological, physical or sexual abuse.
9. Trained mediators to work with asylum seeker and refugee victims of psychological, physical or sexual abuse.
10. Specific measures for elderly refugees and asylum seekers in compliance with their specific social, cultural and religious needs.
11. Flexibility to encourage the inclusion of women with refugee or humanitarian status in the NPIR to ease their integration through education and professional qualification.
12. Information materials to encourage asylum seekers and refugees with special needs to seek professional help and support.
The successful integration of refugees in the host country is connected with the protection policy of the country, the public attitude, and the opportunity given to asylum seekers and refugees to take part in the integration and decision making processes.

The development of the refugee protection system in Bulgaria underwent a number of positive changes in the course of Bulgaria's accession to the European Union in terms of the perception and attitude towards refugees, both on the part of institutions and of civil society.

Refugees and asylum seekers are an inexhaustible source of enriching the linguistic diversity, cultures and traditions of the host society. They have the potential to contribute to the development of the host society, while refugee associations are a source of support and mutual assistance for their members.

The refugee communities and community leaders are an efficient link for communication between refugees and the receiving society.

The Bulgarian Council of Refugee Women and the Ethiopian Association, as refugee community organisations are taking an active part to protect the rights and interests of refugees and asylum seekers. Recently the Council of Refugee Women became a full member of the Integration Commission with the State Agency for Refugees.

Existing problems:
- Lack of mechanism for asylum seekers, accommodated at the reception-and-registration centers of the SAR to make recommendations and participate in discussions and decision making process related to the internal regulations in the centers.
- Representatives of refugee organizations participate in practical activities related to the reception and integration of refugees - as translators and mediators - although they are not admitted in the discussion of regulations, internal rules and other documents.
- Refugee organizations are not actively involved in the discussion of setting out the priority activities to be financed under the National Programmes of European Refugee Fund.

Advocacy for:
1. Involvement of refugee representatives in the development, imple-
mentation, and monitoring of policies related to the reception and integration of asylum seekers and refugees.

2. Involvement of refugee organizations in the discussions for amending the legislation, the internal regulations and other documents related to refugees and asylum seekers.

3. Participation of refugee organisations in workshops and seminars on issues related to refugee protection in Bulgaria.

4. Participation of representatives of refugee organizations in surveys and monitoring of implementation of programmes, projects and action plans for protection, reception and integration of asylum seekers and refugees.
Published by:

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