

# LAW ON ASYLUM AND REFUGEES

*In force from 01.12.2002*

Promulgated, State Gazette No. 54/31.05.2002, , amended, SG No. 31/8.04.2005, amended, SG No. 30/11.04.2006, , amended, SG No. 52/29.06.2007, amended, SG No. 109/20.12.2007, amended, SG No. 82/16.10.2009, amended, SG No. 39/20.05.2011, amended, SG No. 15/15.02.2013, amended, SG No. 66/26.07.2013, amended, SG No. 98/28.11.2014, **amended and supplemented, SG No. 80/16.10.2015**

## Chapter One GENERAL PROVISIONS

Art. 1. (1) (Amended, SG No. 80/2015, in force from 16.10.2015) This Law shall lay down the conditions and the procedure for granting protection to aliens within the territory of the Republic of Bulgaria, as well as their rights and obligations.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) The protection that the Republic of Bulgaria shall provide to aliens under this Law shall consist in asylum, international protection, and temporary protection.

Art. 1a. (New, SG No. 80/2015, in force from 16.10.2015) (1) The Republic of Bulgaria shall grant, under the terms and procedures of this Law, international protection and temporary protection.

(2) International protection shall be granted under the Geneva Convention Relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 1967 ratified by law (promulgated SG No. 36/1992; amended No. 30/1993) (SG, No. 88/1993), international human rights protection Laws, and this Law, and shall comprise refugee status and humanitarian status.

(3) Temporary protection shall be granted in the event of a mass influx of aliens who are forced to leave their country of origin due to an armed conflict, civil war, foreign aggression, violation of human rights or indiscriminate violence on the territory of the relevant country or in a part of the country, and who for these reasons are unable to return there.

Art. 2 (Amended, SG No. 80/2015, in force from 16.10.2015) (1) The President of the Republic of Bulgaria shall grant asylum within his/her powers in the cases under Article 27, paragraph 2 of the Constitution, as well as when the state interests or special circumstances so require.

(2) The Council of Ministers shall grant temporary protection under Art. 1a, paragraph 3, as introduced under a resolution of the Council of the European Union. The period of temporary protection shall be determined by a resolution of the Council of the European Union.

(3) The Chairperson of the State Agency for Refugees shall grant international protection.

Art. 3. (1) The Republic of Bulgaria shall fulfil its obligations under the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967 through its state authorities in cooperation with the United Nations High Commissioner for Refugees.

(2) (Amended – SG, No. 80/2015, in force from 16.10.2015) The United Nations High Commissioner for Refugees shall, through his/her representative in the Republic of Bulgaria, have the right to information, as well as to access to any stage of the procedure for granting international protection and temporary protection. He/she may get acquainted with any specific file and give a written or oral opinion thereon.

Art. 4. (1) Any alien may request to be granted protection in the Republic of Bulgaria in accordance with the provisions of this Law.

(2) The request for granting protection shall be made in person and of the alien's own free will.

(3) (Amended, SG No. 80/2015, in force from 16.10.2015) An alien who has entered the Republic of Bulgaria to seek protection or who has been granted protection shall not be returned to the territory of a country where his/her life or freedom is threatened due to his/her race, religion, nationality, membership of a specific social group or political opinion, or where he/she faces a threat of torture or other forms of cruel, inhuman or degrading treatment or punishment.

(4) (Amended, SG No. 80/2015, in force from 16.10.2015) The rights under paragraph 3 shall not be enjoyed by an alien who has been granted protection and for whom there are grounds to consider that he/she is a threat to the national security, or who, having been already convicted of a serious crime by a judgment that has come into effect, is presenting a threat to the community.

(5) An alien who has, in contravention of the procedure established by law, entered the Republic of Bulgaria to seek protection, coming directly from a territory where his/her life and freedom have been threatened, shall appear without delay before the competent authorities and state good reasons for his/her illegal entry or stay within the territory of the country.

Art. 5. Aliens who are seeking or have been granted protection in the Republic of Bulgaria shall have the rights and obligations provided for in this Law and shall bear civil, administrative penal and criminal liability under the terms and procedure applicable to Bulgarian nationals.

Art. 6. (1) (Previous Article 6, amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The powers under this Law shall be exercised by officials of the State Agency for Refugees. They shall establish all the facts and circumstances relevant to the procedure for granting international protection and shall provide assistance to applicants for such protection.

(2) (New, SG No. 52/2007) Upon a request of the President of the Republic of Bulgaria, the officials of the State Agency for Refugees shall establish all facts and circumstances relevant to the procedure for granting asylum and shall assist the administration of the President of the Republic of Bulgaria.

(3) (New, SG No. 80/2015, in force from 16.10.2015) The officials at the accommodation centres and those conducting the procedure with aliens seeking international protection under this Law, especially with aliens from a vulnerable group, shall receive appropriate training on the needs of such persons.

Art. 6a. (New, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The best interest of the child shall be of primary consideration when applying this Law. The best interest of the child shall be assessed in conformity with the provisions of the Child Protection Law.

## **Chapter Two**

### **TYPES OF PROTECTION (TITLE AMENDED – SG No. 80/2015, IN FORCE FROM 16.10.2015)**

## **Chapter Two**

### **TYPES OF SPECIAL PROTECTION**

Art. 7. (1) (Repealed, SG No. 80/2015, in force from 16.10.2015)

Art. 8. (1) (Amended, SG No. 80/2015, in force from 16.10.2015) Refugee status in the Republic of Bulgaria shall be granted to an alien who for reasons of a well-founded fear of persecution due to his/her race, religion, nationality, political opinion or membership of a specific social group is outside his/her country of origin and who, for those reasons, is unable or unwilling to avail himself/herself of the protection of that country or return thereto.

(2) For the purposes of granting a status under paragraph (1), it shall not matter whether the alien belongs to these race, religion, nationality, social group, whether he/she expresses such political opinion or professes such political belief which are at the root of persecution. It shall be sufficient that the persecuting authority or organisation considers such alien belongs thereto.

(3) Factors of persecution can be:

1. the State;
2. parties or organisations controlling the country or a substantial part of the territory of the State;
3. non-state factors if it can be demonstrated that the factors mentioned in subparagraphs 1 and 2, including international organisations, are unable or unwilling to provide protection against persecution.

(4) Persecution shall refer to any violation of fundamental human rights or a set of actions that result in violation of fundamental human rights severe enough in their nature or recurrence .

(5) The acts of persecution can take the form of:

1. acts of physical or mental violence, including acts of sexual violence;
2. legal, administrative, police or judicial measures which are discriminatory by themselves or implemented in a discriminatory manner;
3. disproportionate or discriminatory prosecution or punishment;
4. denial of judicial redress resulting in a disproportionate or discriminatory punishment;
5. prosecution or punishment for refusal to perform military service in case of an armed conflict, where performing military service would include crimes or acts set out in Article 12, paragraph 1, subparagraphs 1-3;
6. acts against persons on the grounds of their gender or against children..

(6) The fears of persecution may be based on events which have occurred after the alien left his/her country of origin or on an activity carried out by him/her after his/her departure, in particular where it is established that this activity constitutes the expression or continuation of convictions or orientations expressed in the country of origin, unless such activity has been carried out for the sole purpose of making such alien eligible for protection under this Law.

(7) Protection against persecution may be provided by the state, parties or organisations, including international organisations, controlling the state or a significant part of its territory provided that the latter wish to provide and are able to provide effective protection whereto the alien has access and such protection is of a non- temporary nature.

(8) Refugee status may be withheld where, in a part of the country of origin, there are no grounds to fear persecution of the alien, whereby the alien can safely and legally travel to and gain admittance to that part of the country, and can reasonably be expected to settle there.

(9) The family members of the alien who have been granted refugee status shall also be considered refugees, insofar as this is compatible with their personal status and where no circumstances under Article 12, paragraph 1 have been established.

(10) Where an alien who has been granted refugee status marries another alien, he/she may obtain refugee status only on the basis of his/her own merits.

Art. 9. (Amended, SG No. 52/2007) (1) (Amended, SG No. 80/2015, in force from 16.10.2015) Humanitarian status shall be granted to an alien who is not eligible for refugee status and who does not

wish or is unable to receive protection from his/her country of origin as he/she may face a real risk of suffering serious harm, such as:

1. death penalty or execution, or
2. torture or inhuman or degrading treatment or punishment, or
3. serious threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) Factors of serious harm under paragraph 1 can be:

1. the State;
2. parties or organisations controlling the country or a substantial part of the territory of the State;
3. non-state actors if it can be demonstrated that the actors mentioned in subparagraphs 1 and 2, including international organisations, are unable or unwilling to provide protection against such serious harm.

(3) (Amended, SG No. 80/2015, in force from 16.10.2015) Real danger of severe harm may be based on events which have occurred after the alien left his/her country of origin, or on an activity carried out by him/her after his/her departure in particular where it is established that this activity constitutes the expression and continuation of convictions or orientations expressed in the country of origin, unless such activity has been carried out for the sole purpose of making such alien eligible for international protection under this Law.

(4) (Amended, SG No. 80/2015, in force from 16.10.2015) Protection against serious harm can be provided by the State, parties or organisations, including international organisations controlling the State or a substantial part of the territory of the State, provided they are willing and able to offer effective protection whereto the alien has access and which is of a non-temporary nature.

(5) (Amended, SG No. 80/2015, in force from 16.10.2015) Humanitarian status may be withheld, where a part of the country of origin is free of real risk for such alien to be exposed to severe encroachment, whereby the alien can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

(6) (Amended, SG No. 80/2015, in force from 16.10.2015) Humanitarian status shall be granted also to the family members of the alien who has been granted humanitarian status insofar as this is compatible with their personal status and where no circumstances under Article 12, paragraph 2 have been established.

(7) Where an alien who has been granted humanitarian status marries another alien, he/she may obtain humanitarian status only on the basis of his/her own merits.

(8) Humanitarian status may also be granted for other reasons of humanitarian nature, as well as for the reasons stipulated in the Conclusions of the Executive Committee of the United Nations High Commissioner for Refugees.

Art. 10. (Amended, SG No. 52/2007) Refugee status shall also be granted to an alien who is within the territory of the Republic of Bulgaria and has been recognized as refugee under the mandate of the United Nations High Commissioner for Refugees.

Art. 11. (Repealed, SG No. 80/2015, in force from 16.10.2015)

### **Chapter Three**

## **GROUND FOR REFUSAL, CESSATION AND WITHDRAWAL OF PROTECTION AND FOR PROCEDURE SUSPENSION AND TERMINATION**

Art. 12. (1) (Previous Article 12, amended, SG No. 52/2007) Refugee status shall not be granted to an alien for whom:

1. there are serious grounds to assume that he/she has committed an act defined as a war crime or crime against peace and humanity under the Bulgarian legislation and under the international treaties to which the Republic of Bulgaria is a signatory;

2. there are serious grounds to assume that he/she has committed a serious non-political crime outside the territory of the Republic of Bulgaria;

3. there are serious grounds to assume that he/she commits or incites towards acts contrary to the goals and principles of the United Nations Organisation;

4. (Supplemented, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) who benefits from the protection or assistance provided by bodies or organisations of the United Nations other than the United Nations High Commissioner for Refugees; where such protection or assistance has not been suspended and his/her status has not been established under a relevant resolution of the United Nations Organisation, such individual can avail himself/herself of the benefits from the Geneva Convention regarding the Status of Refugees of 1951;

5. (Amended, SG No. 52/2007) with respect to whom the competent authorities of his/her state of permanent residence have recognized the rights and obligations resulting from the citizenship in that country.

6. (New, SG No. 80/2015, in force from 16.10.2015) with respect to whom there is serious proof for regarding him or her as a danger to national security;

7. (New, SG No. 80/2015, in force from 16.10.2015) who, having been convicted by an enforceable sentence of a serious crime, constitutes a danger to the community.

(2) (New, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) Humanitarian status shall not be granted to an alien:

1. with respect of whom there are serious reasons to assume that he/she has committed any of the acts referred to in paragraph 1, subparagraphs 1 and 3;

2. in respect of whom there are serious reasons to assume that he/she has committed a serious public crime;

3. who has committed a crime outside the territory of the Republic of Bulgaria for which the Bulgarian law envisages the penal sanction of deprivation of liberty; and who has left his/her country of origin solely with the purpose of absconding from criminal prosecution, unless such prosecution endangers his/her life or is inhuman or degrading;

4. in respect of whom there are serious reasons to assume that he/she constitutes a serious danger to the society or to the national security.

Art. 13. (Amended, SG No. 31/2005) (1) (Supplemented, SG No. 52/2007, Amended, SG No. 80/2015, in force from 16.10.2015) The application for international protection shall be rejected as manifestly unfounded, where the conditions under Article 8, paragraphs 1 and 9, respectively Article 9, paragraphs 1, 6 and 8 are not met, and the alien:

1. invokes grounds that are outside the scope of this Law;

2. (Amended, SG No. 80/2015, in force from 16.10.2015) fails to declare any reasons for well-founded fears of persecution;

3. the facts alleged by him/her do not contain a detailed description of the circumstances or personal details needed to clarify the case;

4. the application is clearly unsubstantiated, with the facts alleged by him/her being inconsistent, contradictory or completely improbable;

5. (New, SG No. 52/2007) the alien has filed a subsequent application which does not contain any new circumstances affecting his/her personal situation or relevant to his/her country of origin.

6. (Previous subparagraph 5, SG No 52/2007) he/she uses a false identity or produces non-authentic, forged document or a document with false contents, while continuing to insist on their authenticity throughout the procedure;

7. (Previous subparagraph 6, SG No 52/2007) he/she intentionally gives, in an oral or written form, false information or conceals essential information concerning his/her case;

8. (Previous subparagraph 7, SG No 52/2007) he/she intentionally destroys, damages or disposes of a passport or another document or ticket which is relevant to his/her claim in order to present himself/herself under a false identity or to impede the examination of the application;

9. (Previous subparagraph 8, amended, SG No 52/2007) he/she has failed to provide information that would be sufficient to establish with a reasonable degree of certainty his/her identity or citizenship;

10. (Repealed, new, SG No. 52/2007) he/she refuses to comply with the obligation to provide fingerprints;

11. (Repealed, new, SG No. 52/2007) he/she has entered the country and stays in the country legally, and fails to declare, within a reasonable time after his/her entry, to a competent authority that he/she requests protection, except in cases where such delay is caused by reasons beyond his/her control;

12. (New, SG No. 52/2007) he/she entered the country illegally and fails to immediately approach a competent authority with a request for protection except in cases where such delay is caused by reasons beyond his/her control;

13. (New, SG No. 52/2007) he/she is arriving from a safe country of origin or from a safe third country included on the Minimum Common List adopted by the Council of the European Union or on the national lists adopted by the Council of Ministers.

14. (Previous subparagraph 9, SG No 52/2007) while having had sufficient time and opportunities, he/she files an application in order to prevent the enforcement of a coercive administrative measure imposed on him/her, such as "deprivation of the right of residence in the Republic of Bulgaria", "forced transfer to the border of the Republic of Bulgaria" or "expulsion";

(2) (Amended, SG No 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) No proceedings for granting international protection shall be initiated, and any proceedings initiated shall be terminated, where such alien:

1. has been granted refugee status in another Member-State of the European Union;

2. has been granted refugee status in a safe third country, provided that he/she will be accepted therein;

3. has proceedings initiated concerning him/her in relation to an application for obtaining asylum, or has been granted asylum in the Republic of Bulgaria.

(3) (New, SG No. 52/2007) The circumstance referred to in paragraph (1), subparagraph (13) cannot serve as self-sufficient grounds to refuse the application as manifestly unfounded.

Art. 14. (Amended, SG No. 80/2015, in force from 16.10.2015) The procedure for granting international protection shall be suspended where the alien, without good reasons:

1. fails to appear for an interview within 10 working days, after having been duly invited to do so;

2. (Amended, SG No. 80/2015, in force from 16.10.2015) changes his/her address without notifying thereof the State Agency for Refugees;

3. refuses to assist the officials of the State Agency for Refugees in clarifying the circumstances pertaining to his/her application.

4. (New, SG No. 80/2015, in force from 16.10.2015) violates the measures imposed under Article 45a,.

Art. 15. (1) (Amended, SG No. 31/2005, previous Article 15, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The procedure for granting international protection shall be discontinued, where the alien:

1. (Amended and supplemented, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) may no longer refuse to avail himself/herself of the protection of his/her country of origin, as the circumstances that had given rise to fears of persecution have ceased to exist and the transformation in the said circumstances is substantial enough and of a non-temporary nature;

2. (Amended, SG No. 52/2007) voluntarily avails himself/herself of the protection of his/her country of origin;

3. voluntarily re-acquires his/her citizenship after having lost it, or acquires new citizenship in another country;

4. acquires Bulgarian citizenship;

5. (Amended, SG No. 52/2007) voluntarily settles in the country where he/she was previously persecuted;

6. (Amended, SG No. 52/2007) withdraws his/her application;

7. (Supplemented, SG No. 52/2007) fails to appear before the relevant official of the State Agency for Refugees within three months after the suspension of the procedure under Article 14 in order to submit evidence for objective reasons which required changing his/her address or for objective difficulties preventing him/her from appearing before or cooperating with the relevant officials;

8. has deceased.

9. (New, SG No. 31/2005) has been granted asylum by the President of the Republic.

(2) (New, SG No. 52/2007) Paragraph (1), subparagraph (1) shall not apply where the alien indicates reasonable grounds ensuing from previous persecution for his/her refusal to avail himself/herself of the protection of his/her country of origin.

Art. 16. (Amended, SG No. 31/2005, repealed, SG No. 52/2007)

Art. 17. (Amended, SG No. 31/2005, SG No. 52/2007, amended, SG No. 52/2007) (1) (Amended, SG No. 80/2015, in force from 16.10.2015) The international protection granted shall be discontinued, where:

1. the existence of grounds referred to in Article 15, paragraph (1), subparagraphs (1) to (5) and (9) is established with respect to the alien;

2. (Amended, SG No. 80/2015, in force from 16.10.2015) the alien declares that he/she no longer wishes to enjoy the international protection granted to him/her.

(2) Refugee status granted shall be withdrawn where the conditions set out in Article 12, paragraph 1 or Article 13, paragraph 1, subparagraphs 6 and 7 are established to exist with respect to the alien.

(3) Humanitarian status granted shall be withdrawn where the conditions set out in Article 12, paragraph 2 or Article 13, paragraph 1, subparagraphs 6 and 7 are established with respect to the alien.

(4) Temporary protection shall be withdrawn where the conditions set out in Article 12, paragraph 1, subparagraphs 1-3 are established with respect to the alien or where there are serious grounds to believe that he/she is a risk to national security or the public.

Art. 18. The President of the Republic of Bulgaria may withdraw asylum, where he/she deems that the circumstances substantiating the granting of asylum have changed or no longer exist.

Art. 19. The withdrawal or cessation of protection or the termination of the procedure with respect to an alien shall not result in withdrawal, cessation or change of the status of the other members of his/her family, unless appropriate grounds are established in their respect as well.

## **Chapter Four**

### **RIGHTS AND OBLIGATIONS OF ALIENS WHO SEEK OR HAVE BEEN GRANTED PROTECTION**

#### **Section I.**

#### **General Conditions**

Art. 20. No restrictions shall be allowed with respect to the rights or privileges of aliens who seek or have been granted protection in the Republic of Bulgaria based on race, nationality, ethnic origin, sex, descent, religion, education, convictions, membership of a political group, personal and social status or property status.

Art. 21. (Repealed, SG No. 52/2007)

Art. 22. (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) Family members of a beneficiary of asylum or international protection who are within the territory of the Republic of Bulgaria shall enjoy the same rights and obligations unless this is contrary to their personal status or in the presence of the special circumstances specified in Article 12..

Art. 23. (1) (Amended, SG No. 80/2015, in force from 16.10.2015) Aliens who seek or have been granted international protection shall be entitled to assistance and help by the United Nations High Commissioner for Refugees and other government or non-governmental organizations at any stage of the procedure and after international protection has been granted.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) The State shall provide conditions for any alien seeking protection in the Republic of Bulgaria, to receive legal protection.

Art. 24. Any alien seeking protection, or who has been granted protection, shall have the right to profess a religion in accordance with the Constitution and the laws.

Art. 25. (1) (Amended, SG No. 52/2007, SG No. 80/2015, in force from 16.10.2015) Any unaccompanied minor or under the legal age alien who is seeking or has been granted international protection and who is within the territory of the Republic of Bulgaria, shall be assigned a representative from the municipal administration, designated by the mayor of the municipality or by an official empowered thereby.

(2) (Amended, SG No. 31/2005, repealed, SG No. 52/2007, new, SG No. 80/2015, in force from 16.10.2015) Where an unaccompanied minor or underage alien who is seeking or has been granted international protection is accompanied by an adult responsible for him/her by law or custom, such an adult shall be appointed representative of the minor or underage alien by the authority under paragraph 1.

(3) (New, SG No. 80/2015, in force from 16.10.2015) The representative of the unaccompanied or underage minor alien who is seeking or has been granted international protection shall



have the following powers in the procedure under this Law till the minor or underage alien becomes of age:

1. shall safeguard his/her legal interests in the procedures for granting international protection till the completion thereof with a final decision;

2. shall represent him/her before any administrative bodies, including social, healthcare, educational, and other institutions in the Republic of Bulgaria with a view to safeguard the child's best interest;

3. shall perform the role of a procedural representative in all the procedures before the administrative bodies;

4. shall take actions for ensuring legal aid.

(4) (Repealed, SG No. 52/2007, previous paragraph 3, amended, SG No. 80/2015, in force from 16.10.2015) The State Agency for Refugees shall exercise control and shall take measures for the protection of minor or underage aliens seeking international protection from physical or mental violence, cruel, inhuman or degrading treatment.

(5) (New, SG No. 31/2005, amended, SG No. 52/2007, repealed, SG No. 80/2015, in force from 16.10.2015 )

Art. 26. (Amended, SG No. 52/2007) (1) (Amended, SG No. 80/2015, in force from 16.10.2015)

(1) Minor and underage aliens who are seeking or have been granted international protection shall have the right to basic and secondary education, including vocational training and training under the terms and procedure applicable to Bulgarian nationals.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) Aliens who are seeking or have been granted international protection shall have the right to basic and secondary education, including vocational training and training under the terms and procedure applicable to Bulgarian nationals.

(3) (New, SG No. 80/2015, in force from 16.10.2015) The access to the educational system for minor and underage aliens who are seeking or have been granted international protection shall not be delayed by more than three months as from the date of lodging the application for international protection.

(4) (New, SG No. 80/2015, in force from 16.10.2015) The right to education of aliens who are seeking or have been granted international protection in state and municipal schools shall be exercised under the terms and procedure established by the State Agency for Refugees.

(5) (New, SG No. 80/2015, in force from 16.10.2015) Aliens who have been granted international protection and who are not able to provide qualifications certifying documents and who wish to exercise a regulated profession in the Republic of Bulgaria may acquire access to exercising such a profession under the procedure laid down in the Professional Qualifications Recognition Law.

Art. 27. (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The Chairperson of the State Agency for Refugees may require the court to issue a judicial interdiction with respect to an alien who is under the legal age, or an adult alien who has submitted an application for international protection and who cannot take care of his/her affairs because of mental deficiency or mental disorder.

Art. 28. The aliens who seek or have been granted international protection and who reside within the territory of the Republic of Bulgaria must abide by and observe the Constitution and the laws.

## **Section II.**

### **Rights and Obligations of Aliens Seeking International Protection during the Procedure (Title amended, SG No. 80/2015, in force from 16.10.2015)**

Art. 29. (Amended, SG No. 52/2007) (1) Over the course of proceedings, the alien shall have the right to:

1. stay within the territory of the Republic of Bulgaria;
2. (New, SG No. 80/2015, in force from 16.10.2015) to move within the territory of the Republic of Bulgaria;
3. (Previous subparagraph 2, SG No. 80/2015, in force from 16.10.2015) to receive shelter and food;
4. (Previous subparagraph 3, SG No. 80/2015, in force from 16.10.2015) to receive social assistance under the procedure and in the amount applicable to Bulgarian nationals;
5. (Previous subparagraph 4, SG No. 80/2015, in force from 16.10.2015) to receive health care, access to medical care and free-of-charge medical services under the terms and procedure applicable to Bulgarian nationals;
6. (Previous subparagraph 5, SG No. 80/2015, in force from 16.10.2015) to receive mental help;
7. (Previous subparagraph 6, SG No. 80/2015, in force from 16.10.2015) to receive a registration card;
8. (Previous subparagraph 6, SG No. 80/2015, in force from 16.10.2015) to use a translator or interpreter.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) The rights under paragraph 1 shall also be enjoyed by aliens who are subject to procedures under Article 67a, paragraph 2, subparagraph 1 for determination of the responsible State for examining the international protection application. The rights under paragraph 1, subparagraphs 7 and 8 shall also be enjoyed by aliens who are subject to procedures under Article 67a, paragraph 2, subparagraph 2 related to determining the responsible State for examining the international protection application.

(3) (Amended, SG No. 80/2015, in force from 16.10.2015) Aliens shall have the right to access to the labour market, including the right to involvement in programs and projects funded by the state budget or by international or European financial facilities, if proceedings are not completed within three months of filing the application for international protection due to reasons beyond such alien's control.

(4) (Supplemented, SG No. 80/2015, in force from 16.10.2015) Aliens shall be accommodated in a transit centre, a registration-and-reception centre or another type of accommodation facility provided by the State Agency for Refugees following an assessment of the alien's health condition, marital status and financial situation under terms and procedure established by the Chairperson of the State Agency for Refugees. The aliens shall undergo a medical examination and health tests and shall remain under quarantine until the results are ready. The medical examination shall determine whether an applicant for international protection belongs to a vulnerable group and whether he/she has special needs.

(5) (New, SG No. 80/2015, in force from 16.10.2015) The medical examinations shall be carried out at the medical units of the territorial structures. The operation of the medical units shall be ensured by a medical doctor, a nurse or feldscher.

(6) (New, SG No. 80/2015, in force from 16.10.2015) The medical units shall perform the following activities:

1. initial medical screening upon the registration of applicants for international protection;
2. ongoing medical monitoring;

3. provision of first-aid;
4. control on the applicants' hygienic status;
5. ongoing control on the observance of hygienic requirements;
6. preparing and keeping medical records for each applicant.

(7) (Previous paragraph 5, SG No. 80/2015, in force from 16.10.2015) The rights under paragraph 1, subparagraphs 3 and 4 shall not be granted to an alien who does not belong to a vulnerable group, and:

1. has filed a subsequent application for international protection;
2. the procedure on his/her application for international protection has been suspended.

(8) (Previous paragraph 6, SG No. 80/2015, in force from 16.10.2015) Where such alien has at his/her disposal the means to sustain his/her basic necessities, within the proceedings under the general procedure he/she may be granted permission to take up accommodation at his/her own expense at an address of his/her choice, and then shall not be eligible for financial and in-kind support from the State Agency for Refugees.

(9) (Previous paragraph 7, SG No. 80/2015, in force from 16.10.2015) Unaccompanied aliens who are minors or under the legal age shall be provided accommodation until they become of legal age:

1. with the family of relatives or close acquaintances, a foster family, a social service – a residential-type institution or a specialized institution, under the terms and procedure laid down in the Child Protection Law;
2. at other places for special accommodation of minor and underage persons.

(10) (New, SG No. 80/2015, in force from 16.10.2015) When the place for accommodating an unaccompanied minor or underage alien is determined, the opinion of the alien concerned shall be taken into account. To the extent possible, siblings shall be accommodated together by taking into consideration the child's best interest.

(11) (New, SG No. 80/2015, in force from 16.10.2015) The right under paragraph 1, subparagraph 1 shall not be enjoyed by an alien who has filed a first subsequent application pursuant to Article 13, paragraph 1, subparagraph 5 which has been rejected by a final decision, as well as an alien who is to be extradited or transferred into another Member State or a third country in conformity with the Extradition and European Arrest Warrant Act.

Art. 30. (Amended, SG No. 52/2007, previous Article 30, SG No. 80/2015, in force from 16.10.2015) During the procedure an alien must:

1. follow the orders and refrain from hindering the officials in performing their official duties;
2. submit all documents held by him/her, as well as the documents of his/her accompanying children under the legal age, which may be used to establish their identity and citizenship, as well as the manner of their travelling and entering the Republic of Bulgaria;
3. certify, where he/she does not hold the documents referred to in subparagraph (2), his/her identity, date and place of birth, and marital status, and those of his/her accompanying children who are minors or under the legal age, by means of a statement of certification made before an official, and he/she shall bear criminal liability as to the truthfulness of such statement under Article 313 of the Criminal Code;
4. observe the internal rules at the transit, registration-and-admission and integration centres, participate in the activities related to their maintenance, sanitation and improvement, as well as to preserve the property that has been made available to him/her for use;

5. (Amended, SG No. 80/2015, in force from 16.10.2015) not change the address assigned according the procedure established by Article 29, paragraph 8 without the permission of the State Agency for Refugees;

6. not enter the border area of the Republic of Bulgaria without due permission;

7. (New, SG No. 80/2015, in force from 16.10.2015) not enter any areas designated by the Chairperson of the State Agency for Refugees or the official empowered hereby;

8. (Previous paragraph 7, SG No. 80/2015, in force from 16.10.2015) not leave the territory of the Republic of Bulgaria without the permission of the State Agency for Refugees;

9. (Previous paragraph 8, SG No. 80/2015, in force from 16.10.2015) assist in the clarification of his/her case by providing the competent officials with comprehensive and credible information.

10. (New, SG No. 52/2007, previous paragraph 9, SG No. 80/2015, in force from 16.10.2015) give fingerprints.

11. (New, SG No. 52/2007, SG No. 80/2015, in force from 16.10.2015) not leave the area assigned thereto.

(2) (New, SG No. 52/2007, SG No. 80/2015, in force from 16.10.2015) An alien seeking international protection may leave the area assigned thereto or enter the areas referred to in paragraph 1, subparagraphs 6 or 7 solely by permission of the Chairperson of the State Agency for Refugees or the official empowered thereby.

(3) (New, SG No. 52/2007, SG No. 80/2015, in force from 16.10.2015) The refusal to issue permission for leaving the area assigned thereto or entrance in the areas referred to in paragraph 1, subparagraphs 6 or 7 shall be duly justified. Permission shall not be required when the alien seeking international protection must appear before the court, before an administrative authority or needs specialized medical care.

Art. 30a. (New, SG No. 52/2007, amended No. 52/2007, SG No. 80/2015, in force from 16.10.2015) The application of the provisions of this Section shall take into consideration the specific situation and the special needs of aliens from a vulnerable group.

### **Section III.**

#### **Rights and Obligations of Aliens Who Have Been Granted Protection**

Art. 31. (1) (New, SG No. 52/2007, SG No. 80/2015, in force from 16.10.2015) The aliens shall be informed of the rights and obligations concerning the international protection granted thereto in a language they understand.

(2) (Previous paragraph 31, SG No. 80/2015, in force from 16.10.2015) Aliens who have been granted asylum in the Republic of Bulgaria shall have equal rights and obligations to the aliens who have been granted refugee status.

Art. 32. (1) (Amended, SG No. 52/2007) An alien who has been granted refugee status shall have the rights and obligations of a Bulgarian national with the exception of:

1. the right to participate in general and municipal elections, in national and regional referenda, as well as to participate in the establishment of political parties and be a member of such parties;
2. the right to hold positions for which Bulgarian citizenship is required by law;
3. the right to serve in the army;
4. other restrictions explicitly laid down by law.

(2) (New, SG No. 52/2007, SG No. 80/2015, in force from 16.10.2015) An alien who has been granted humanitarian status shall have the rights and obligations of a permanent residence permit holder in the Republic of Bulgaria.

(3) (Previous paragraph 2, SG No. 52/2007, amended SG No. 80/2015, in force from 16.10.2015) An alien who has been granted international protection may be provided with financial support for housing for a period of up to 6 months as from the date of entry into force of the decision for granting international protection under the terms and procedure established by the Chairperson of the State Agency for Refugees in coordination with the Minister of Finance.

(4) (Previous paragraph 3, SG No. 52/2007) An alien who has been granted refugee status shall have the right to acquire real estates on the territory of the Republic of Bulgaria under the terms and procedure provided for aliens.

(5) (New, SG No. 52/2007, amended SG No. 80/2015, in force from 16.10.2015) Aliens who have been granted international protection may be involved in programs and projects with integration measures under the conditions and procedure established therein.

Art. 33. (Amended, SG No. 52/2007, amended SG No. 80/2015, in force from 16.10.2015) Unaccompanied aliens who are minors or under the legal age who have been granted international protection shall be placed in accommodation till they become of legal age:

1. with the family of relatives or close acquaintances, a foster family, a social service – a residential-type institution or a specialised institution, under the conditions and following the procedure laid down in the Child Protection Act;

2. at other places for special accommodation of minor and underage persons.

Art. 34. (1) (Amended, SG No. 31/2005, amended and supplemented, SG No. 52/2007, amended SG No. 52/2007, amended SG No. 80/2015, in force from 16.10.2015) An alien who has been granted international protection shall be entitled to ask for family reunification on the territory of the Republic of Bulgaria.

(2) (Amended, SG No. 31/2005, amended, SG No. 52/2007) The Chairperson of the State Agency for Refugees shall grant permissions for family reunification.

(3) (New, SG No. 52/2007) The Chairperson of the State Agency for Refugees shall refuse granting permission:

1. where, with respect to any of the family members, the circumstances specified in Article 12, paragraph (1), subparagraphs (1) to (3) are present;

2. with respect to another spouse, in case of polygamy, where such an alien already has a spouse in the Republic of Bulgaria.

(4) (New, SG No. 52/2007, amended SG No. 80/2015, in force from 16.10.2015) The Chairperson of the State Agency for Refugees shall grant permission for the unification of an unaccompanied minor or under the legal age alien who has been granted international protection with his/her parents or with another adult member of his/her family or with a person responsible for him/her by law or custom, where his/her parents are deceased or missing.

(5) (New, SG No. 52/2007) Where such an alien cannot present any official documents evidencing the marriage or affinity, these shall be established under a statement of certification signed by him/her or in another manner.

(6) (New, SG No. 52/2007) A transcript of the decision shall be served on the alien under the procedure laid down in Article 76.

(7) (Previous paragraph 3, supplemented, SG No. 52/2007) The Bulgarian diplomatic or consular missions shall issue visas to family members after the permission referred to in paragraphs (2) and (4) has been granted.

(8) (New, SG No. 52/2007) The State Agency for Refugees shall facilitate the reunification of separated families by assisting aliens with the issuance of travel documents, visas and in obtaining access to the territory of this country.

(9) (New, SG No. 52/2007, supplemented, SG No. 80/2015, in force from 16.10.2015) Where the location of the family members is unknown, the State Agency for Refugees, in cooperation with the United Nations High Commissioner for Refugees, the Bulgarian Red Cross and other organizations, shall undertake search actions to locate them. The search actions shall be conducted under the conditions of confidentiality, where the circumstances so require.

Art. 35. (Amended, SG No. 80/2015, in force from 16.10.2015) An alien who has been granted international protection shall be obliged, within 14 days of the receipt of the decision granting international protection, to appear at the municipality in the area where he/she will settle in order to be entered in the register of population.

Art. 36. (Repealed, SG No. 80/2015, in force from 16.10.2015)

Art. 37. (Amended, SG No. 80/2015, in force from 16.10.2015) The bodies of local government and local administration shall accept into their territory and shall enter in the population registers aliens who have been granted international protection and their families, and shall provide them with an opportunity to enjoy the rights granted by this Law.

Art. 37 a. (New, SG No. 80/2015, in force from 16.10.2015) (1) Aliens who have been granted asylum or international protection in the Republic of Bulgaria shall be offered to sign an integration agreement regulating their rights and obligations, as well as the rights and obligations of the relevant state or municipal authorities.

(2) The terms and procedure for signing, implementation and termination of the agreement under paragraph 1 shall be determined by an ordinance issued by the Council of Ministers.

Art. 38. (Supplemented and amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) Any alien who has been granted asylum or international protection may acquire Bulgarian citizenship under the conditions and procedure laid down in the Law on Bulgarian Citizenship.

Art. 39. (Amended, SG No. 52/2007) (1) Aliens benefiting from temporary protection shall have the right to:

1. reside within the territory of the Republic of Bulgaria;
2. employment and vocational training;
3. appropriate accommodation or accommodation funding if needed;
4. social assistance;
5. emergency medical help;
6. freely return to their country of origin.

(2) Aliens benefiting from temporary protection shall be provided with information, in writing, in a language they understand, on the rules concerning temporary protection.

(3) Aliens from vulnerable groups benefiting from temporary protection shall be provided with the necessary medical or other services under the terms and following the procedure applicable to Bulgarian nationals.

(4) (Amended, SG No. 80/2015, in force from 16.10.2015) Unaccompanied aliens who are minors or under the legal age and benefiting from temporary protection, shall be placed in

accommodation:

1. with the family of relatives or close acquaintances, a foster family, a social service – a residential-type institution or a specialised institution, under the conditions and following the procedure laid down in the Child Protection Act;

2. at other places for special accommodation of minor and underage persons.

(5) (Amended, SG No. 80/2015, in force from 16.10.2015) An alien benefiting from temporary protection who applies for international protection shall not enjoy the rights granted to an alien who is in a procedure for granting international protection.

(6) After the transfer of an alien to the territory of another Member-State of the European Union, the alien shall cease to enjoy the rights specified in paragraph (1) to (4).

Art. 39a. (New, SG No. 52/2007) (1) An alien benefiting from temporary protection shall have the right to be reunited with his/her spouse, with their children who are under the legal age and not married, if they also indicate their wish to do so.

(2) The Chairperson of the State Agency for Refugees may grant permission for reunification of an alien benefiting from temporary protection with other close relatives who lived together as part of the household during the events and who were the alien's dependents in his/her country of origin. In each individual case, consideration shall be given to any additional difficulties that might arise for them, if they should not be reunited.

(3) Where the location of family members is unknown, the State Agency for Refugees shall, in cooperation with the United Nations High Commissioner for Refugees, the Bulgarian Red Cross and other organisations, undertake search actions to locate them.

(4) In reunifications, family members shall have all the rights granted to aliens benefiting from temporary protection.

(5) In case of a family being reunited within the territory of another Member-State of the European Union, the alien shall cease to enjoy the rights specified in Article 39.

#### **Section IV.**

#### **Documents of Aliens Who Have Applied for Protection or Have Been Granted Protection (Heading amended, SG No. 52/2007)**

Art. 40. (Amended, SG No. 52/2007) (1) Aliens who are seeking or have been granted protection shall be issued the following types of documents:

1. registration card;
2. card of a beneficiary of asylum;
3. refugee card;
4. card of an alien who has been granted humanitarian status;
5. foreign travel certificate of a beneficiary of asylum;
6. refugee foreign travel certificate;
7. foreign travel certificate of an alien who has been granted humanitarian status;
8. alien's certificate of return to the Republic of Bulgaria;
9. transfer permit.

(2) (Supplemented, SG No. 80/2015, in force from 16.10.2015) A registration card shall be issued to an alien above the age of 14 and to an alien under the age of 14 who is unaccompanied by a family member within three days after the registration of the alien seeking international protection.

(3) The registration card shall not certify the alien's identity.

Art. 41. (Amended, SG No. 52/2007) (1) The State Agency for Refugees shall issue:

1. Registration card of an alien who has applied for asylum – valid for three months.
2. (Amended, SG No. 80/2015, in force from 16.10.2015) Registration card of an alien for whom a procedure for determining the responsible Member-State for examination of the international protection application has been initiated – valid for three months.
3. (Amended, SG No. 80/2015, in force from 16.10.2015) Registration card of an alien for whom an accelerated procedure for granting international protection has been initiated – valid for one month.
4. (Amended, SG No. 80/2015, in force from 16.10.2015) Registration card of an alien for whom a general procedure for granting international protection has been initiated – valid for three months.
5. Registration card of an alien who has been granted temporary protection – for the duration of the protection period.
6. Transfer permit to an alien benefiting from temporary protection.

(2) Until the completion of the relevant procedure, the validity of the registration card under paragraph 1, subparagraphs 1-4 may be extended with the period of initially determined validity.

(3) In case of extension of the temporary protection period, the validity of the registration card of an alien under temporary protection shall also be extended accordingly.

Art. 42. (1) (Amended and supplemented, SG No. 52/2007) The refugee foreign travel certificate of an alien who has been granted asylum or of a refugee shall give the holder thereof the right to leave and enter the Republic of Bulgaria within the term of its validity and under the conditions and procedure applicable to Bulgarian nationals provided that the country of destination does not require otherwise.

(2) The foreign travel certificate of an alien benefiting from humanitarian status shall give the holder thereof the right to leave and enter the Republic of Bulgarian within the term of its validity, under the conditions and procedure applicable to aliens permanently residing in the Republic of Bulgaria.

Art. 43. (Repealed, SG No. 52/2007)

Art. 44. (Amended, SG No. 52/2007) (1) The registration card shall contain the following data:

1. status of the alien under this law;
2. document number;
3. Personal Identifying Number or Alien Personal Number, depending the alien's status;
4. gender;
5. holder's photograph;
6. holder's signature;
7. date of issue;
8. expiration date;
9. date of validity extension;
10. issuing authority;
11. (Amended, SG No. 80/2015, in force from 16.10.2015) current address and the area as designated by the Chairperson of the State Agency for Refugees;
12. the grounds under this Law whereby the alien is entitled to stay in the Republic of Bulgaria;
13. national identification document;
14. other data.



(2) In addition to the data under paragraph 1, the registration card shall also contain the data stated by the alien:

1. name;
2. date of birth;
3. place of birth;
4. citizenship;
5. name and date of birth of his/her minor children accompanying him/her;
6. (Amended, SG No. 80/2015, in force from 16.10.2015) languages he/she understands.

(3) (Supplemented, SG No. 80/2015, in force from 16.10.2015) In the registration card, the alien's names shall be indicated in a sequence and in the numbers as indicated in the foreign travel documents on which he/she entered the Republic of Bulgaria, or in another identification document. Where the alien does not hold such documents, his/her names shall be indicated in the sequence in which they have been indicated in the statement of certification referred to in Article 30, subparagraph (3).

Art. 44a. (New, SG No. 52/2007) An alien who is the holder of a registration card must keep it safe and free from damage, destruction or loss.

Art. 44b (New, SG No. 52/2007) (1) In issuing the documents referred to in Article 40, paragraph (1), subparagraphs (1) and (9) and in granting validity extensions of the documents referred to in Article 40, paragraph (1), subparagraph (1), no fees shall be charged.

(2) Where an alien who is a holder of a registration card has lost, damaged or destroyed the card, he/she shall be charged a fee of BGN 10 for the issuance of its replacement.

Art. 45. (1) (Amended, SG No. 52/2007) The standard formats of the registration cards shall be approved by an act of the Council of Ministers and shall be promulgated in the State Gazette.

(2) (New, SG No. 52/2007) The transfer permit under Article 40, paragraph 1, subparagraph 9 shall be issued in conformity with the standard form attached hereto.

(3) (Previous paragraph 2, SG No. 52/2007, amended, SG No. 82/2009) Any terms and procedures for issuing and using identity documents that are not regulated by this Section shall be governed by the Law on the Bulgarian Identification documents.

## **Section V.**

### **Measures Imposed on Aliens Seeking International Protection (new, SG No. 80/2005, in force from 16.10.2015)**

Art. 45a. (New, SG No. 80/2015, in force from 01.01.2016) With a view to the timely examination of the application for protection or to ensuring the participation of the alien seeking international protection, the Chairperson of the State Agency for Refugees or an official empowered thereby may order a duty for the alien to report to an official of the State Agency for Refugees once every two weeks during the procedure.

Art. 45b. (New, SG No. 80/2015, in force from 01.01.2016) (1) Where the measures covered under Article 45a cannot be applied effectively, and after an individual assessment of each case, an alien seeking international protection may be temporarily accommodated at a closed-type centre and for the shortest period possible:

1. in order to determine or verify his/her identity or nationality;

2. in order to determine the facts and circumstances the application for international protection is based upon when this cannot be done otherwise and there is a risk of the alien absconding;
3. when protection of national security or public order so requires;
4. in order to determine the responsible Member - State for examining the international protection application, and transfer the alien there, and when there is a serious risk of the alien absconding.

(2) An alien seeking international protection shall not be accommodated at a closed-type centre for the sole reason that he/she has lodged an application for international protection.

Art. 45c. (New, SG No. 80/2015, in force from 01.01.2016) (1) An alien seeking international protection shall be accommodated at a closed-type centre on the basis of a reasoned decision by the Chairperson of the State Agency for Refugees or by an official empowered thereby.

(2) The decision referred to in paragraph 1 shall be taken after an assessment of whether the alien belongs to a vulnerable group.

(3) The decision referred to in paragraph 1 shall be issued in writing, and shall state the grounds in fact and in law for the accommodation, the terms and time limit for appealing the decision, as well as the possibility to provide free legal aid and representation.

(4) A duplicate copy of the decision shall be served under the procedure established by Article 76.

(5) The decisions of the body under paragraph 1 may be appealed under the procedure laid down in the Administrative Procedure Code, and the appeal filed shall not suspend the enforcement thereof. The court ruling shall be final.

Art. 45d. (New, SG No. 80/2015, in force from 01.01.2016) (1) The accommodation at a closed-type centre shall continue as long as the relevant grounds within the meaning given by Article 45b, paragraph 1 are applicable.

(2) The Director of the closed-type centre where an alien seeking international protection has been accommodated, shall review the applicability of the grounds for accommodation every month and shall report them to the Chairperson of the State Agency for Refugees or the official empowered thereby.

(3) The accommodation decision referred to in Article 45c, paragraph 1 shall be reviewed by the Chairperson of the State Agency for Refugees or the official empowered thereby upon establishment of new data and circumstances or at the request of the alien seeking international protection, and a reasoned decision shall be issued within 7 days.

(4) The refusal under paragraph 3 shall be subject to judicial review under the procedure laid down in the Administrative Procedure Code, and the appeal shall not suspend the enforcement thereof. The court ruling shall be final.

(5) Where the administrative procedure is not completed within the prescribed time limit for reasons that cannot be attributed to the alien seeking international protection, this circumstance shall not justify a continuation of accommodation at a closed-type centre.

(6) Where the administrative or judicial review has determined that the accommodation at a closed-type centre is unlawful, the alien shall be released immediately.

(7) Aliens seeking international protection shall be transferred from one centre into another only where necessary. In these cases, persons who provide legal assistance to them should be notified.

Art. 45e. (New, SG No. 80/2015, in force from 01.01.2016) (1) The aliens seeking international protection who are accommodated at closed-type centres shall be entitled to:

1. access to open spaces;

2. visits by family members;
3. respect for their privacy;
4. meet persons providing legal aid and representation, and representatives of non-profit legal entities and international organisations.
5. information in a language they understand about the internal rules of the relevant centre and about their rights and obligations.

(2) Limitation of the rights under paragraph 1 shall be allowed only for reasons related to safeguarding security, public order or the administrative management of the closed-type centre, provided that the access is not significantly restricted or impossible.

(3) Aliens from vulnerable groups accommodated at a closed-type centre shall be monitored and, where necessary, shall be provided with appropriate assistance depending on their special situation.

Art. 45f. (New, SG No. 80/2015, in force from 01.01.2016) (1) Minor and underage aliens seeking international protection may be accommodated at closed-type centres solely as a measure of last resort for the purpose of ensuring the family unity or their protection and security. The accommodation shall be applied for the shortest period possible, and the best of efforts shall be made to ensure appropriate accommodation.

(2) The minor and underage aliens seeking international protection who have been accommodated at the centres of the State Agency for Refugees shall be provided with access to the educational system and with the opportunity to have leisure activities, including games, and recreational activities appropriate for their age.

(3) In the event of accommodation at the centres of the State Agency for Refugees, the principle of family unity shall be observed.

(4) At the centres of the State Agency for Refugees, female aliens seeking international protection shall be accommodated separately from male ones, unless they are family members and have consented thereto.

## **Chapter Five**

### **SPECIALIZED STATE BODY AND ADMINISTRATION**

Art. 46. The Chairperson of the State Agency for Refugees shall be a body of the executive power vested with special competence.

Art. 47. (1) The State Agency for Refugees with the Council of Ministers shall be a legal person financed through the state budget and shall have its seat in Sofia with territorial units throughout the country.

(2) The territorial units of the State Agency for Refugees shall be:

1. (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) transit centres: for registration, accommodation, medical examination, and for conducting the procedure for determining the responsible Member-State for examining the international protection application, as well as the accelerated procedure in respect of aliens seeking protection; when needed, a procedure for granting international protection to aliens shall be conducted as well.

2. (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) registration-and-reception centres: for registration, accommodation, medical examination, social and medical assistance, and for conducting the procedure for determining the responsible Member-State for examining

the application for international protection, as well as the procedure for granting international protection; for the accommodation of asylum seekers;

3. (Repealed, SG No. 80/2015, in force from 16.10.2015)

(3) (Supplemented, SG No. 109/2007, in force from 01.01.2008, amended, SG No. 66/2013, in force from 26.07.2013, amended, SG No. 98/2014, in force from 28.11.2014) The transit, registration-and-reception and integration centres shall be opened and closed down by the Council of Ministers on a proposal by the Chairperson of the State Agency for Refugees in coordination with the Minister of Finance, the Minister of Interior, the Minister of Labour and Social Policy, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Regional Development and Public Works, the Chairperson of the State Agency for National Security, and the Mayor of the relevant municipality.

(4) (New, SG No. 80/2015, in force from 16.10.2015) The centres referred to in paragraph 2 may be open-type or closed-type. Within the open-type centres, separate self-contained premises may be established for unaccompanied minor and underage aliens seeking international protection, as well as separate self-contained closed-type premises or parts.

(5) (Previous paragraph 4, SG No 80/2015, in force from 16.10.2015) The operation, structure, rules of procedure and the composition of the State Agency for Refugees and the units thereof shall be governed by Rules of Procedure adopted by the Council of Ministers.

Art. 48. (1) (Amended, SG No. 52/2007) The Chairperson of the State Agency for Refugees shall:

1. (Amended, SG No. 80/2015, in force from 16.10.2015) grant, refuse, withdraw and discontinue international protection in the Republic of Bulgaria; withdraw temporary protection in the cases specified under article 17, paragraph 4.

2. (Amended, SG No. 80/2015, in force from 16.10.2015) suspend and discontinue the procedure for international protection;

3. make decisions on applications requesting family reunifications;

4. (Amended, SG No. 80/2015, in force from 16.10.2015) decide on other applications filed by aliens with respect to whom a procedure for granting international protection has been initiated or aliens who have been granted such protection in the Republic of Bulgaria;

5. notify the Council of Ministers of the need to establish temporary protection on the territory of the Republic of Bulgaria; notify of the need to extend the temporary protection period;

6. issue penalty warrants under Chapter Eight;

7. approve the standard forms of documents issued by the State Agency for Refugees, except for the registration card;

8. submit a proposal to the Council of Ministers for the approval of the standard forms of registration cards;

9. designate the decision-making authorities of the State Agency for Refugees which shall conduct the procedures under Chapter Six, Section Ia;

10. designate the interviewing authorities of the State Agency for Refugees which shall conduct the accelerated procedures under Chapter Six, Section II;

11. (Amended, SG No. 80/2015, in force from 16.10.2015) manage and allocate the funds from the budget, supervise their disbursement for the appropriate purposes, in coordination with the Minister of Finance and the Minister of Labour and Social Policy, define the expenditure thresholds for in-kind and financial support to aliens who seek or have been granted international protection.

(2) At the request of the President of the Republic of Bulgaria, the Chairperson of the State Agency for Refugees shall give an opinion on an asylum application lodged.

(3) (Amended, SG No. 52/2007) On a yearly basis, and in cases of a substantial change in the general situation in a particular country of origin and in cases of an increased influx of aliens from

that state, the Chairperson of the State Agency for Refugees shall define the categories of aliens whose cases shall be reviewed based on the following criteria:

1. the nature and degree of respect for human rights in the relevant states or parts thereof;
2. the activities of international organizations in the relevant states;
3. (Amended, SG No. 80/2015, in force from 16.10.2015) the policy of other European Union Member-States with respect to persons seeking protection from the relevant countries of origin.

Art. 49. (1) The Chairperson of the State Agency for Refugees shall be designated by a decision of the Council of Ministers and shall be appointed by the Prime Minister.

(2) The Chairperson of the State Agency for Refugees shall be a Bulgarian national who does not hold any other citizenship, and who has a university degree and not less than five years of work experience.

Art. 50. (1) In the performance of his/her activities, the Chairperson of the State Agency for Refugees shall be assisted by two deputy chairpersons.

(2) The deputy chairpersons shall be appointed by the Prime Minister on a proposal by the Chairperson of the State Agency for Refugees. The deputy chairpersons shall be Bulgarian nationals who do not hold any other citizenship, and who have a university degree and not less than five years of work experience.

Art. 51. (1) (Previous Article 51, SG No. 52/2007) The transit, registration-and-reception and integration centres shall be managed by directors.

(2) (New, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The directors of transit and registration-and-reception shall make decisions under Article 29, paragraph 4 and paragraphs 7-11, with the exception of the decision about accommodation at a closed-type centre.

Art. 52. (Amended, SG No. 52/2007, supplemented and amended, SG No. 80/2015, in force from 16.10.2015) The Chairperson of the State Agency for Refugees may delegate his/her powers under Article 48, paragraph 1, Subparagraphs 1-4 and 6, and Article 53, Subparagraph 12, except for the power to withdraw international protection, to the deputy chairpersons of the State Agency for Refugees.

Art. 53. The State Agency for Refugees shall:

1. (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) organize the reception and temporary accommodation of aliens who have applied for international protection; provide them in cooperation with the Bulgarian Red Cross and other non-governmental organisations with assistance to adapt to the Bulgarian environment, and organize Bulgarian language courses jointly with the Ministry of Education and Science;

2. organize, at the request of the President of the Republic of Bulgaria, investigation and clarification of the facts and circumstances relating to an asylum application lodged;

3. issue documents for certification purposes;

4. (Amended, SG No. 52/2007, supplemented and amended, SG No. 80/2015, in force from 16.10.2015) organize, in cooperation with the central authorities of the executive power, the Bulgarian Red Cross and other non-governmental organizations, the activities for the provision of social, medical and psychological assistance for aliens who have applied for international protection or have been granted such protection; assist in the integration of aliens who have been granted protection;

5. (Amended, SG No. 52/2007) carry out, in cooperation with the local government authorities and administration, the Bulgarian Red Cross and other non-governmental organizations, public awareness activities on refugee issues, and organize charitable events for material assistance;

6. (Amended, SG No. 52/2007) develop independently or participate in the preparation of draft legal instruments and international treaties relating to the protection of aliens, and develop programs for the integration of aliens who have been granted protection in the Bulgarian society;

7. (Amended, SG No. 52/2007) perform the functions assigned thereto by the temporary protection action plan;

8. cooperate with the United Nations High Commissioner for Refugees in the performance of his/her functions, facilitate the monitoring of the application of the provisions of the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, and provide information and statistical data;

9. (Repealed, SG No. 52/2007)

10. assign the performance of studies and analyses on refugee issues, organise conferences and seminars and publish information materials on refugee matters.

11. (New, SG No. 52/2007) organize the selection and registration of translators/interpreters, as well as their training on the specific requirements in the interpretation/translation process;

12. (New, SG No. 52/2007) be the competent authority for the funding from the European Refugee Fund by developing programs and coordinating them with the European Commission, organize tender procedures, project selection, make payments, provide the technical implementation, financial control, supervision and assessment of the funding received from the Fund; a certain part of these powers may be delegated to other government authorities;

13. (New, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) provide the European Commission with a regular update about the number of individuals who have applied for international protection and the number of registration cards issued.

Art. 54. (1) (Amended, SG No. 80/2015, in force from 16.10.2015) The State Agency for Refugees shall, jointly with the Ministry of Foreign Affairs, the International Federation of Red Cross and Red Crescent Societies, the International Committee of the Red Cross and non-governmental organizations, provide assistance to aliens who seek or have been granted international protection, before the authorities of another state or before an international body, in relation to provide the documents required for the exercise of their rights.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) Where for objective reasons an alien who is seeking or has been granted international protection cannot be provided with a document under the procedure laid down in paragraph 1, the State Agency for Refugees shall, based on the facts it has established and a statement of certification signed by the alien, make arrangements for issuing a certificate. Based on this certificate, the competent authorities shall issue a Bulgarian document enabling the alien to exercise these rights.

(3) The documents issued under paragraph 2 shall substitute the official documents issued to aliens by or through the authorities of their countries.

(4) The foreign documents certifying education, training qualifications, academic degrees or ranks, held by aliens who are seeking or have been granted protection shall be recognised in accordance with the domestic legislation and the terms and conditions laid down in international treaties to which the Republic of Bulgaria is a party.

Art. 55. (Repealed, SG No. 15/2013, in force from 1.01.2014)

Art. 56. (1) The State Agency for Refugees may, independently or jointly with the bodies of the local government and local administration, the Bulgarian Red Cross and other non-governmental organizations, organize auxiliary work activities whereby the aliens who are seeking or have been granted protection shall be offered an opportunity for vocational training and employment.

(2) (Repealed, SG No. 15/2013, in force from 1.01.2014)

Art. 57. The officials of the State Agency for Refugees shall certify their official capacity by means of an official card. The bodies of the central government and local government and local administration shall be obliged to assist the officials of the State Agency for Refugees in the performance of their official duties.

## **Chapter Six PROCEDURE**

### **Section I. General Rules**

Art. 58. (1) Any alien who wishes to be granted asylum shall submit a written application to the President of the Republic of Bulgaria. Where the application is filed with another state authority, the latter must forthwith forward it to the President.

(2) (Repealed, SG No. 52/2007)

(3) (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) An alien may declare his/her wish to be granted international protection in person before an official at the State Agency for Refugees.

(4) (Amended, SG No. 52/2007) Where the application referred to in paragraph 3 is filed with another state authority, the latter must forthwith forward it to the State Agency for Refugees.

(5) (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) An alien who has been granted temporary protection shall be entitled to submit an application for granting international protection.

(6) (Amended and supplemented, SG No. 52/2007, supplemented and amended, SG No. 80/2015, in force from 16.10.2015) Not later than 15 days after filing the application, the applicant shall be informed in writing in a language he/she understands about the conditions for lodging the application, the procedure to follow, and his/her rights and obligations, as well as the organizations providing legal and social assistance to aliens. Where the circumstances so require, this information may be presented in an oral form.

(7) (Repealed, SG No. 52/2007, new, SG No. 109/2007, in force from 01.01.2008, amended, SG No. 80/2015, in force from 16.10.2015) Upon receiving the application for granting protection, the competent authorities must request a written opinion from the State Agency for National Security which shall be taken into consideration for the decision taken in the general procedure. No opinion shall be required in the cases under Article 68.

Art. 59. (1) (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The application for international protection may be in a written, oral or another form and, where needed, translation or interpretation shall be provided. An application which is not made in writing shall be recorded by the competent official and shall be signed or otherwise authenticated by the applicant and by the translator or interpreter, respectively.

(2) (Amended, SG No. 52/2007) The application must include a request to the Republic of Bulgaria.

Art. 60. (1) (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The identification documents of the alien applying for international protection shall be withheld by and kept at the State Agency for Refugees until the procedure is completed with a final decision.

(2) (Amended, SG No. 52/2007) Officials of the State Agency for Refugees shall carry out a personal search of the alien, check the belongings carried by him/her, take a photograph and fingerprints, and shall record other identifying features under the terms and the procedure established by the Ministry of Interior Act while respecting the alien's dignity.

(3) (Amended, SG No. 52/2007) The officials performing the activities under paragraph 2 shall be designated by an order of the Chairperson of the State Agency for Refugees.

(4) (New, SG No. 52/2007) The fingerprints and the other identifying features, as well as the alien's personal data may be used in the information exchange with other states in relation to the procedure under Section Ia, provided that the alien is duly informed.

Art. 61. (Amended, SG No. 52/2007) (1) The application for asylum shall be registered at the President's Office.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) An alien who has applied for international protection shall be registered at the State Agency for Refugees, and shall have his/her personal case file set up.

(3) Where any reasonable doubt that such alien is not a minor or under the legal age has arisen, the interviewing authority shall commission an expert opinion to establish his/her age.

(4) Where any reasonable doubt has arisen that such alien cannot handle his/her needs due to mental deficiency or mental disorder, the interviewing authority shall appoint a psychiatric expert examination.

Art. 62. The President of the Republic of Bulgaria may grant asylum even if the conditions referred to in Article 48, paragraph 2 and Article 53, paragraph 2 have not been established.

Art. 63. (Amended, SG No. 52/2007) (1) (Amended, SG No. 80/2015, in force from 16.10.2015) The State Agency for Refugees shall have the right to collect information about the applicants for international protection in order to determine the responsible Member-State for examining the application for international protection, establishing the identity thereof and clarifying the circumstances relevant to the application filed.

(2) During the registration process the State Agency for Refugees shall collect data about the names, nationality, date and place of birth, gender, marital status and kinship, identity papers and other documents the aliens have on themselves.

(3) The sources of information under paragraph 1 can be both the aliens themselves and Bulgarian or foreign authorities, natural bodies or legal entities.

(4) (Amended, SG No. 80/2015, in force from 16.10.2015) No information about aliens who are seeking or have been granted protection cannot be sought from or disclosed to authorities or organisations involved in persecution.

(5) The State Agency for Refugees shall create its own data bases following a procedure determined by the Chairperson thereof and in compliance with the Law on Personal Data Protection.



Art. 63a. (New, SG No. 52/2007) (1) (Amended, SG No. 80/2015, in force from 16.10.2015) After registration has been completed, a date for an interview shall be appointed. The applicant for international protection shall be notified in due time of the date of every subsequent interviews.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) The alien must present all the evidence he/she has for substantiating his/her application for international protection prior to the issuance of the decision thereon, and if he/she fails to do so, the decision shall be issued in the absence of such evidence.

(3) (Amended, SG No. 80/2015, in force from 16.10.2015) An interview shall be conducted with the alien, in the course of which an audio or audio-visual recording shall be made and minutes shall be taken. Right before the beginning of the interview, the alien shall be informed of the audio or audio-visual recording. The minutes of the interview and the audio or audio-visual recording thereof shall be an integral part of the applicant's personal case file.

(4) (New, SG No. 80/2015, in force from 16.10.2015) When needed, the interviewing authority shall conduct additional interviews for the purpose of the relevant procedure.

(5) (Previous paragraph 4, amended, SG No. 80/2015, in force from 16.10.2015) An alien who has applied for international protection shall have, at his/her request, the interview conducted by an officer of the interviewing authority or a translator, respectively interpreter, of the same gender.

(6) (Previous paragraph 5, amended, SG No. 80/2015, in force from 16.10.2015) No interviews shall be conducted with an alien who is unable to attend to his/her needs due to mental deficiency or mental disorder or for objective reasons is unable to provide oral or written statements.

(7) (Previous paragraph 6, amended, SG No. 80/2015, in force from 16.10.2015) The interview shall be held in a language requested by the alien. If this is not possible, the interview shall be held in a language that he/she understands.

(8) (Previous paragraph 7, amended, SG No. 80/2015, in force from 16.10.2015) The minutes shall be read out to the alien, and shall be signed by him/her, by the translator or interpreter and by the interviewing authority.

(9) (Previous paragraph 8, amended, SG No. 80/2015, in force from 16.10.2015) A refusal by the alien to sign the transcript of the interview shall be certified by the signatures of two witnesses. The reasons for the refusal shall be recorded in the minutes.

(10) (Previous paragraph 9, amended, SG No. 80/2015, in force from 16.10.2015) In the course of an interview with a minor or underage alien, his/her representative shall have the right to ask questions allowed by the interviewing authority and to present various arguments.

Art. 64. The government authorities shall provide the information requested by the State Agency for Refugees for the purpose of clarifying the circumstances relevant to the application lodged.

Art. 65. (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The applicant's personal data that has become known during the procedure for granting international protection or after international protection has been granted shall be processed into the register of the State Agency for Refugees in accordance with the requirements of the Law on Personal Data Protection. These may also be used for the purposes of international cooperation among the States-Parties to the Convention relating to the Status of Refugees of 1951.

Art. 66. (1) (Amended, SG No. 80/2015, in force from 16.10.2015) For any alien with respect to whom a decision for refusal, cessation or withdrawal of international protection has taken effect, or whose proceedings have been terminated, the provisions of the Law on Foreigners in the Republic of Bulgaria shall apply.

(2) (Amended, SG No. 52/2007) The State Agency for Refugees shall notify in writing the Ministry of Interior of the decision referred to in paragraph 1.

Art. 67 (1) (Amended, SG No. 52/2007) Coercive administrative measures, such as "deprivation of the right of residence in the Republic of Bulgaria", "forced transfer to the border", "expulsion" and "prohibition to enter the country" shall not be enforced before the procedure has been completed with a final decision.

(2) (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The coercive administrative measures under paragraph 1 shall be repealed, where the alien has been granted asylum or international protection.

(3) Paragraphs 1 and 2 shall not apply where there are grounds to assume that the alien who seeks or has been granted protection presents a threat to national security or if he/she, having been convicted of a serious crime by a final judgment that has the force of a res judicata constitutes a threat to the community.

### **Section I "a"**

#### **Measures Applied in respect of Aliens Seeking International Protection (New, SG No. 80/2015, in force from 16.10.2015)**

Art. 67a. (New, SG No. 52/2007) (1) The procedure under this Section shall be implemented in accordance with Council Regulation (EC) No. 343/2003, Commission Regulation (EC) No. 1560/2003, Council Regulation (EC) No. 2725/2000 and Council Regulation (EC) No. 407/2002.

(2) The procedure under this Section shall be initiated upon:

1. (Amended, SG No. 80/2015, in force from 16.10.2015) the registration of an alien who has lodged an application for international protection;
2. (Supplemented, SG No. 109/2007, in force from 01.01.2008) a referral by the Ministry of Interior and by the State Agency for National Security notifying of an illegally residing alien on the territory of Bulgaria;
3. a request for taking charge or taking back in respect of an alien.

(3) (Amended, SG No. 80/2015, in force from 16.10.2015) A procedure under this Section shall not be initiated and shall not be conducted in cases of a subsequent application for granting international protection on the territory of the Republic of Bulgaria.

Art. 67b. (New, SG No. 52/2007) (1) (Amended, SG No. 80/2015, in force from 16.10.2015) After the procedure has been initiated, the necessary actions shall be taken to examine the evidence and the circumstances for the purpose of determining the responsible Member-State for examining the application for granting international protection.

(2) If necessary, an interview with the alien shall be conducted.

Art. 67c. (New, SG No. 52/2007) In cases referred to in Article 67a, paragraph 2, subparagraph 1, after the evidence has been examined and a reply has been received from the requested state, the decision-making authority shall:

1. (Amended, SG No. 80/2015, in force from 16.10.2015) initiate a procedure for granting international protection in the Republic of Bulgaria;

2. (Amended, SG No. 80/2015, in force from 16.10.2015) refuse to initiate a procedure for granting international protection in the Republic of Bulgaria and shall permit the alien's transfer to the responsible State.

Art. 67d. (New, SG No. 52/2007) In the cases referred to in Article 67a, paragraph 2, subparagraph 2, after the evidence has been examined and a reply has been received from the requested State, the decision-making authority shall:

1. permit the alien's transfer to the responsible State;

2. terminate the procedure where the requested State refuses to take charge of or take back the alien.

Art. 67e. (New, SG No. 52/2007) (1) The decision-making authority shall issue its ruling on taking charge or taking back requests.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) Where in the cases under Article 67a, paragraph 2, subparagraph 3 it is established that the Republic of Bulgaria is the responsible State for examining an application, the decision-making authority shall initiate a procedure for granting international protection in the Republic of Bulgaria and the rules of sections II, III and IV of this Chapter shall apply.

(3) Where a request has been received for taking back of an alien whose application has already been examined on the merits, the decision-making authority shall terminate the procedure under this Section.

(4) Where in cases under Article 67a, paragraph 2, subparagraph 3 it is established that the Republic of Bulgaria is not the responsible State for examining the application, the decision-making authority shall refuse the alien's transfer and shall terminate the procedure under this Section.

Art. 67f. (New, SG No. 52/2007, amended, SG No. 109/2007, in force from 01.01.2008) The decisions under this Section shall be served according to Article 76, and copies thereof shall be sent to the Ministry of Interior and the State Agency for National Security.

Art. 67g. (New, SG No. 52/2007) (1) The State Agency for Refugees shall agree the place, date and time of the alien's arrival on its territory with the relevant authority of the responsible State for examining the application, and, in cases of tacit consent, also the procedure for the transfer of the alien to the competent authorities.

(2) The transfer of the alien shall be carried out in implementation of a decision of the State Agency of Refugees, while all the documents in the alien's case file shall be sent to the State responsible for examining the application.

(3) Where the transfer has not been carried out, the State Agency for Refugees shall coordinate a new transfer date with the relevant authority in the State responsible for examining the application.

Art. 67h. (New, SG No. 52/2007) (1) (Amended and supplemented, SG No. 109/2007, in force from 01.01.2008) The Ministry of Interior and the State Agency for National Security shall provide administrative cooperation in the transfer of an alien back to the Republic of Bulgaria, where it has been determined as the responsible State for examining the application, and shall proceed with the relevant

actions to ensure that the alien, together with all accompanying documents, is received and handed over to the State Agency for Refugees.

(2) (Amended and supplemented, SG No. 109/2007, in force from 01.01.2008) The Ministry of Interior and the State Agency for National Security shall ensure administrative cooperation and the actions for the transfer and hand-over of an alien, with all accompanying documents, to the State determined as responsible for examining the application.

Art. 67i. (New, SG No. 52/2007) The costs related to the transfer of the alien to the place of arrival in the State responsible for examining the application and the transportation costs from the arrival point in the Republic of Bulgaria to the State Agency for Refugees shall be covered by Republic of Bulgaria.

Art. 67j. (New, SG No. 52/2007) The Council of Ministers shall adopt a regulation regarding the responsibilities and coordination among the governmental authorities performing actions relevant to the application of this Section.

## **Section II. Accelerated Procedure**

Art. 68. (Amended, SG No. 52/2007) (1) An accelerated procedure shall be initiated:

1. (Amended, SG No. 80/2015, in force from 16.10.2015) after the decision to initiate a procedure for granting international protection in the Republic of Bulgaria has come into force;

2. where no decision has been made within the time limits laid down in Council Regulation (EC) No. 343/2003 and Commission Regulation (EC) No. 1560/2003.

3. (Amended, SG No. 80/2015, in force from 16.10.2015) upon the registration of an alien who has filed a subsequent application for international protection.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) Where the Republic of Bulgaria has been determined as the responsible Member-State or has taken back an alien in accordance with Council Regulation (EC) No. 343/2003 and Commission Regulation (EC) No. 1560/2003; the procedure for granting international protection shall be initiated upon the registration of the alien at the State Agency for Refugees after the alien has been handed over thereto.

(3) (Amended, SG No. 80/2015, in force from 16.10.2015) No accelerated proceedings shall be initiated where the procedure for determining the State responsible for examining the application for international protection is completed with a decision for the termination thereof.

Art. 69. (Repealed, SG No. 52/2007)

Art. 70. (Amended, SG No. 52/2007) (1) Within three days as from the opening of the procedure the interviewing authority shall make a decision on whether:

1. to refuse the application as manifestly unfounded under Article 13, paragraph 1;

2. to discontinue the procedure under Article 13, paragraph 2 and Article. 15, paragraph 1, Subparagraphs 6, 8 and 9;

3. to initiate a general procedure.

(2) If no decision is taken within the time limit referred to in paragraph 1, a general procedure shall be initiated.

(3) In cases referred to in Article 68, paragraph 2 the three-day period shall commence as from the receipt of the documents accompanying the alien.

(4) The time limit under paragraph 1 shall be suspended till the receipt of an expert opinion under Article 62, paragraph 3 or 4.

(5) (Amended, SG No. 80/2015, in force from 16.10.2015) The lack of sufficient data due to a failure to conduct an interview under article 63a, paragraph 6, shall not be self-sufficient grounds to refuse the application.

(6) The decisions under this Section shall be served following the procedure set out in Article 76.

Art. 71. (1) (Previous Article 71, SG No. 31/2005, amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The accelerated procedure shall not be applied with respect to an unaccompanied minor or underage alien who has lodged an application for international protection.

(2) (New, SG No. 31/2005, amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The accelerated procedure shall not be applied where the application for international protection has been lodged by an alien who is already an alien under temporary protection.

### **Section III. General Procedure**

Art. 72. (Amended, SG No. 52/2007) (1) A general procedure shall be initiated:

1. upon the entry into force of the decision under article 70, paragraph 1, subparagraph 3;
2. in the cases referred to in Article 70, paragraph 2;
3. (Amended, SG No. 80/2015, in force from 16.10.2015) for an alien who has filed an application for international protection while still under effective temporary protection – upon the alien's registration after the termination or withdrawal of the temporary protection.

(2) With respect to unaccompanied minor or underage aliens, a general procedure shall be initiated:

1. (Amended, SG No. 80/2015, in force from 16.10.2015) upon the entry into force of the decision to initiate a procedure for granting international protection in the Republic of Bulgaria;
2. where no decision has been taken within the due time limit;
3. (Amended, SG No. 80/2015, in force from 16.10.2015) upon the alien's registration where he/she lodges a subsequent application for international protection;
4. where the Republic of Bulgaria has been determined as the responsible State for examining the application – upon the alien's registration at the State Agency for Refugees after the said alien has been handed over thereto;
5. (Amended, SG No. 80/2015, in force from 16.10.2015) where the application for international protection has been lodged by the alien while still under temporary protection – upon the alien's registration after the termination or withdrawal of the temporary protection.

Art. 73. (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The applications for international protection shall be examined by the State Agency for Refugees and an assessment for the purposes of granting refugee status shall be made first.. In case refugee status is not granted, the need to grant humanitarian status shall be considered.

Art. 74. (Amended, SG No. 52/2007) Within two months as of initiating the general procedure, the interviewing authority shall draw up an opinion, which, together with the personal case file, shall be submitted to the Chairperson of the State Agency for Refugees for decision-making.

Art. 75. (1) (Amended, SG No. 52/2007) The Chairperson of the State Agency for Refugees shall, within three months as of the opening of the general procedure, take a decision whereby he/she shall:

1. grant refugee status;
2. refuse refugee status;
3. grant humanitarian status;
4. refuse humanitarian status.

(2) (Amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) In deciding on an application for international protection, all relevant factors, statements or documents related to the applicant's individual circumstances, his/her country of origin or the possibility to avail himself/herself of the protection of another state whose citizenship he/she may acquire, including whether the applicant has performed activities for the sole purpose of being granted international protection, shall be taken into consideration.

(3) (New, SG No. 80/2015, in force from 16.10.2015) Where the applicants' claims are not substantiated by evidence, they shall be deemed valid, if he/she has made the best of efforts to substantiate his/her application, has provided a reasonable explanation for the lack of evidence, and his/her statements have been assessed as consistent and credible. The lack of sufficient indications of persecution, including due to a failure to conduct an interview as referred to in Article 63a, paragraph 6 shall not constitute grounds for a refusal to grant status.

(4) (Repealed, SG No. 52/2007, previous Article 3, SG No. 80/2015, in force from 16.10.2015) Where the data gathered on a specific case is insufficient, the Chairperson of the State Agency for Refugees may extend the time limit under paragraph 1 by up to three months. The alien shall be notified thereof in person or by means of a message with acknowledgment of receipt.

(5) (Repealed, SG No. 52/2007)

Art. 76. (1) (Amended, SG No. 80/2015, in force from 16.10.2015) A copy of the decision of the Chairperson of the State Agency for Refugees shall be served on the alien seeking international protection. The contents of the decision, as well as the rights and obligations arising therefrom, shall be explained to the alien in a language he/she understands.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) The service of the decision shall be certified by the signatures of the alien seeking international protection and of the translator, respectively interpreter. The refusal to sign the decision shall be certified by the signatures of two witnesses.

(3) Where the decision is not served in person within 14 days of the issuance thereof, the alien shall be sent a notice with acknowledgment of receipt.

(4) In the event of a failure to appear within 7 days of the receipt of the notice with acknowledgment of receipt, the decision shall be deemed served.

(5) If the notice with acknowledgment of receipt is returned to the State Agency for Refugees due to failed delivery, the decision shall be deemed served.

(6) (New, SG No. 52/2007) After the decision has been served, the alien shall have access to his/her personal file.

#### **Section IV.**

#### **Suspension and Termination of the Procedure for Granting International Protection. Procedure for Withdrawal and Termination of International Protection Granted (Heading amended, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015)**

#### **Section IV.**

#### **Suspension and Termination of Status Determination Procedure.**

## **Procedure for Withdraw and Termination of a Status Granted (Title amended, SG No. 52/2007)**

Art. 77. (1) (Amended, SG No. 80/2015, in force from 16.10.2015) The Chairperson of the State Agency for Refugees shall, upon a proposal from the competent interviewing authority, suspend the procedure for granting international protection on the grounds of Article 14.

(2) (Supplemented, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The procedure suspended shall be resumed, where the alien seeking international protection produces evidence proving objective reasons for changing the address or objective reasons for his/her failure to appear before or assist the officials.

(3) (New, SG No. 52/2007, amended, SG No. 80/2015, in force from 16.10.2015) The Chairperson of the State Agency for Refugees shall terminate the procedure for granting international protection upon a proposal made by the interviewing authority when the conditions established by this Law are met or upon a request by the alien.

Art. 78. (Amended, SG No. 52/2007) (1) (Amended, SG No. 80/2015, in force from 16.10.2015) The interviewing authority shall make a proposal for the withdrawal or termination of the international protection granted in case new data has been gathered.

(2) (Amended, SG No. 80/2015, in force from 16.10.2015) The procedure for withdrawal or termination of international protection shall be initiated by virtue of a decision of the Chairperson of the State Agency for Refugees.

(3) (Amended, SG No. 80/2015, in force from 16.10.2015) The alien shall be notified by a letter with acknowledgement of receipt of the procedure initiated, the reasons therefor, the date and place for conducting an interview when he/she will have the opportunity to raise any objections against the withdrawal or termination of the international protection.

(4) (Amended, SG No. 80/2015, in force from 16.10.2015) The procedure for withdrawal or termination of the international protection shall be conducted according to the provisions of Articles 63, 63a, 74, and 75, paragraph 4.

(5) (Amended, SG No. 80/2015, in force from 16.10.2015) Within three months of initiating the procedure the Chairperson of the State Agency for Refugees shall make a decision to withdraw or terminate the international protection. The Chairperson of the State Agency for Refugees shall also make a decision in the absence of objections by the alien where such objections have not been raised due to reasons within the alien's control.

(6) (Amended, SG No. 80/2015, in force from 16.10.2015) Failing to find any grounds to withdraw or terminate the international protection granted, the Chairman of the State Agency for Refugees shall terminate the proceedings.

Art. 79. (Amended, SG No. 52/2007) (1) (Amended, SG No. 80/2015, in force from 16.10.2015) The procedure for withdrawal or termination of international protection may also be initiated based on an application filed by an alien who has been granted international protection.

(2) In filing the application, Article 59, paragraph (1) shall apply.

(3) The application shall contain:

1. the names, address and Personal Identifying Number of the alien;
2. the reasons for filing the application;
3. the essence of the request;
4. the alien's signature.

(4) (Amended, SG No. 80/2015, in force from 16.10.2015) Within one month of the filing of the application the Chairperson of the State Agency for Refugees shall issue a decision whereby the international protection shall be terminated.

Art. 79a. (New, SG No. 52/2007) The decisions under this Section shall be served pursuant to Article 76, with the exception of the decision for suspending the procedure.

## **Section V. Rules on Temporary Protection**

Art. 80. (Amended, SG No. 52/2007) (1) The Council of Ministers shall:

1. make a request to the European Commission for establishing temporary protection;
2. notify the European Commission of the capacity of the Republic of Bulgaria to receive aliens in need of temporary protection;
3. designate a national contact point and notify the other European Union Member-States and the European Commission thereof;
4. adopt an action plan for temporary protection in the Republic of Bulgaria;
5. make a request to the European Commission to terminate temporary protection or the extension thereof;
6. take measures to facilitate the voluntary return of aliens under temporary protection or whose temporary protection has been terminated.

(2) The action plan for temporary protection shall contain:

1. the structure and functions of a temporary operational body set up for the implementation of the plan;
2. the funding arrangements;
3. the terms and procedure for food and shelter provision.

Art. 81. (Amended, SG No. 52/2007) (1) The temporary operational body shall exchange information with the European Union Member-States and the European Union authorities, as well as with the United Nations High Commissioner for Refugees regarding the national legislation and other provisions related to the implementation of temporary protection, the number of aliens under temporary protection, the capacity for receiving additional aliens, and information about individual aliens in the cases of family reunification and transfer of aliens under temporary protection.

(2) The temporary operational body shall cooperate with international and Bulgarian organizations on issues related to temporary protection.

Art. 82. (Amended, SG No. 52/2007) (1) Temporary protection shall be terminated:

1. when the maximum duration has been reached;
2. upon a decision of the Council of the European Union.



(2) The Chairperson of the State Agency for Refugees shall withdraw temporary protection enjoyed by an alien in the cases set forth in Article 17, paragraph 4. Where temporary protection is withdrawn, Article 78 shall apply and a copy of the decision shall be served under the procedure of Article 76.

(3) (Amended, SG No. 80/2015, in force from 16.10.2015) After the termination or withdrawal of temporary protection enjoyed by the alien, unless the latter has filed application for granting international protection, the provisions of the Law on Foreigners in the Republic of Bulgaria shall apply.

Art. 83. (Amended, SG No. 52/2007) (1) The Republic of Bulgaria shall take back into its territory aliens registered in the country as persons under temporary protection who are illegally residing in or attempting to enter the territory of another European Union Member-State.

(2) The Republic of Bulgaria shall take back into its territory aliens registered in the country as persons under temporary protection who have returned to their country of origin.

## **Chapter Seven**

### **JUDICIAL REVIEW**

**(Heading “Section I. Appeal against Decisions Passed in Accelerated Procedure” deleted, SG No. 52/2007)**

Art. 84. (Amended, SG No. 52/2007) (1) The decisions under Chapter Six, Section Ia may be appealed before the Administrative Court of the City of Sofia via the body issuing the decision within seven days from the service thereof. The appeal shall not suspend the enforcement of the said decision unless the Court rules otherwise.

(2) The decisions under Article 51, paragraph 2 and Article 70, paragraph 1, subparagraphs 1 and 2 may be appealed before the Administrative court with jurisdiction over the current address indicated on the alien’s registration card within 7 days from the service thereof. The appeal shall be filed through the body that has issued the relevant decision.

(3) An appeal filed after the expiry of the deadline shall be returned to the sender against a receipt of acknowledgement. Where the appeal is returned by acknowledgment of receipt, and the letter is returned to the State Agency for Refugees due to failed delivery, the appeal shall be enclosed with the alien’s personal case file.

(4) The appeal and a certified copy of the alien’s personal case file shall immediately be sent to the respective court. The appeal shall suspend the enforcement of the decision under Article 70, paragraph 1, subparagraphs 1 and 2.

(5) The court shall institute proceedings within three days of receiving the appeal filed.

Art. 85. (1) (Amended, SG No. 30/2006, in force from 1.03.2007) The administrative court shall hear the appeal in an open hearing after having summoned the parties, and shall deliver its judgement within one month as from the institution of proceedings. In such cases the parties must be summoned three days before the hearing at the latest.

(2) (Amended and supplemented, SG No. 52/2007) Where the court reverses the decision under article 70, paragraph 1, subparagraphs 1 and 2 and returns the case with mandatory instructions to be re-examined, the interviewing authority in the accelerated procedure shall be under an obligation to make a new decision within three days after receiving the court ruling.

(3) Where the court upholds a decision that has been appealed, the latter shall be enforced.

(4) (Amended, SG No. 30/2006, in force from 1.03.2007) The judgement of the administrative court shall not be subject to appeal before a court of cassation.

Art. 86. (Amended, SG No. 30/2006, in force from 12.07.2006, repealed, SG No. 52/2007)

**(Heading “Section II. Appeal in the General Procedure” deleted, SG No. 52/2007)**

Art. 87. (Amended, SG No. 52/2007, amended SG No. 39/2011, supplemented, SG No. 80/2015, in force from 16.10.2015) The decisions referred to in Article 34, paragraph 3, Article 39a, paragraph 2, Article 75, paragraph 1, subparagraphs 2 and 4, Article 78, paragraph 5 and Article 82, paragraph 2 shall be subject to appeal before the Supreme Administrative Court following the procedure laid down in the Code of Administrative Procedure within 14 days from the service thereof.

Art. 88. (1) (Previous Article 88, SG No. 52/2007) The appeal shall be lodged via the Chairperson of the State Agency for Refugees. The appeal lodged shall suspend the enforcement of the decision.

(2) (New, SG No. 52/2007) An appeal lodged after the expiry of the deadline shall be returned to the sender against acknowledgment receipt. Where the appeal is returned by acknowledgment of receipt and the letter is returned to the State Agency for Refugees due to delivery failure, the appeal shall be enclosed with the alien’s personal case file.

Art. 89. (Amended, SG No. 39/2011) The Chairperson of the State Agency for Refugees shall forward the appeal and the personal case file to the court within 3 days from the date of receiving the appeal.

Art. 90. (1) (Amended, SG No. 39/2011) The administrative court shall hear the appeal within one month in an open hearing and after having summoned the parties.

(2) (Amended, SG No. 39/2011) Where the administrative court reverses the appealed decision and remits the file with mandatory instructions to be re-examined, the Chairperson of the State Agency for Refugees shall be under the obligation to make a new decision within 14 days.

(3) The decision of the court shall be subject to a cassation appeal.

Art. 91. (Amended, SG No. 30/2006, in force from 12.07.2006, amended, SG No. 52/2007) The provisions of the Code of Administrative Procedure and the Code of Civil Procedure shall apply to all matters not regulated by this Chapter.

Art. 92. (Supplemented, SG No. 52/2007) The proceedings under this Chapter shall be exempt from state fees and from payment of any other charges, with the exception of charges related to expert examinations. Charges related to expert examinations shall be relieved if the alien does not avail of funds to meet his/her basic needs.

## **Chapter Eight**

### **ADMINISTRATIVE PENAL LIABILITY**

Art. 93. (Amended, SG No. 52/2007) An alien who damages or destroys an item provided for him/her to use by the State Agency for Refugees shall be liable to a fine of BGN 50 to 200 and shall also pay back the value of the item.

Art. 94. (Repealed, SG No. 52/2007)

Art. 95. (1) (Amended, SG No. 52/2007) Non-observance of the provisions of this Law shall be established by statements drawn up by officials of the State Agency for Refugees designated by an order of the Chairperson thereof.

(2) Based on the statements of offence drawn up, the Chairperson of the State Agency for Refugees or a Deputy Chairperson explicitly authorized by the Chairperson or a director of a territorial unit shall issue penalty warrants.

(3) The drawing up of statements of offence, the issuance, appeal and enforcement thereof shall be governed by the Administrative Violations and Sanctions Act.

## **Chapter Nine**

### **LISTS OF SAFE COUNTRIES (New, SG No. 52/2007)**

Art. 96. (New, SG No. 52/2007) The Republic of Bulgaria shall accept as safe countries of origin and safe third countries, all the countries included in the minimum common list adopted by the Council of the European Union.

Art. 97. (New, SG No. 52/2007) The Council of Ministers shall make a proposal to the European Commission concerning any amendments in the minimum common list of safe countries of origin and safe third countries.

Art. 98. (New, SG No. 52/2007) (1) Every year by the 30<sup>th</sup> of November the Chairperson of the State Agency for Refugees, in coordination with the Minister of Foreign Affairs, shall submit for approval national lists of safe countries of origin and safe third countries to the Council of Ministers .

(2) In the process of adopting the lists the Council of Ministers shall take into account sources of information from European Union Member-States, the United Nations High Commissioner for Refugees, the Council of Europe or other international organizations and shall make a judgement of the extent to which a country provides protection against persecution based on:

1. legislation adopted in this area and the manner of enforcing thereof;
2. the manner of observing rights and freedoms provided for in the Convention on the protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
3. the manner of enforcing the non-refoulement within the meaning of the Convention relating to the Status of Refugees of 1951 .
4. the existence of a system of effective sanctions against any violation of these rights and freedoms.

(3) The Council of Ministers shall notify the European Commission of the states included in the national lists of safe countries of origin and safe third countries.

Art. 99. (New, SG No. 52/2007) An alien who has applied for international protection may contest the presumption of safety of the country included in the list referred to in Article 96 or 98.

## **ADDITIONAL PROVISIONS**

§ 1. (Amended, SG No. 52/2007) For the purposes of this Law:

1. "An Alien" shall mean any person who is not a Bulgarian citizen nor he is a citizen of any other European Union Member-State, nor a citizen of any country-signatory to the Agreement creating the European Economic Area, nor a citizen of the Swiss Confederation, nor is a person who is not a citizen of any country as per that country's legislation.

2. (Amended, SG No. 80/2015, in force from 16.10.2015) "An alien seeking protection" shall mean an individual who has expressed his/her desire to be granted protection under this Law until the completion of his/her application proceedings.

3. "Family members" shall mean:

a) the husband, the wife or the individual with whom the alien has an evidenced stable long-term relationship and their unmarried underage children;

b) adult unmarried children who are unable to provide for themselves due to grave health conditions;

c) the parents of either of the spouses who are unable to take care of themselves due to old age or a serious health condition, and who have to share the household of their children.

(d) (New, SG No. 80/2015, in force from 16.10.2015) the parents or another adult member of the family who is responsible, by law or custom, for the underage unmarried alien who has been granted international protection.

4. "Unaccompanied" shall mean a minor or underage alien who is on the territory of the Republic of Bulgaria and is unaccompanied by a parent or another adult who is responsible for him/her by law or custom

5. (Amended, SG No. 80/2015, in force from 16.10.2015) "Race, religion, nationality, membership of a particular social group and political opinion or beliefs" shall be terms in the meaning of the Convention relating to the Status of Refugees of 1951 and article 10, paragraph 1 of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ, L 337/9 of 20 December 2011).

6. (Amended, SG No. 80/2015, in force from 16.10.2015) "Subsequent application" shall mean an application for international protection in the Republic of Bulgaria which an alien lodges after having his/her international protection terminated or withdrawn or his/her procedure for granting international protection in the Republic of Bulgaria has been completed with a final decision, and the said alien has not been out of the territory of the Republic of Bulgaria.

7. (Amended, SG No. 80/2015, in force from 16.10.2015) "Country of origin" shall refer to a state or states of which the alien is a citizen of or, if the person is stateless, this shall be the country of his/her permanent residence.

8. "Safe country of origin" shall mean the state where the established rule of law and compliance therewith within the framework of a democratic system of public order do not allow any persecution or

acts of persecution, and there is no danger of violence in a situation of domestic or international armed conflict.

9. (Amended, SG No. 80/2015, in force from 16.10.2015) "Safe third country" shall mean a country other than the country of origin where the alien who has applied for international protection has resided and:

a) (Amended, SG No. 80/2015, in force from 16.10.2015) there are no grounds for the alien to fear for his/her life or freedom due to race, religion, nationality, belonging to a particular social group or political opinions or belief;

b) the alien is protected against the refoulement to the territory of a country where there are prerequisites for persecution and risk to his/her rights;

c) the alien is not endangered by persecution, torture, inhuman or degrading treatment or punishment;

d) (Amended, SG No. 80/2015, in force from 16.10.2015) the alien has the opportunity to request refugee status and, when such status is granted, to benefit from protection as a refugee.

e) there are sufficient reasons to believe that aliens will be allowed access to the territory of such state.

10. (New, SG No. 80/2015, in force from 16.10.2015) "Application for international protection" shall mean a request for protection made by an alien to the Republic of Bulgaria.

11. (New, SG No. 80/2015, in force from 16.10.2015) "The best interest of the child" shall be a concept within the meaning of §1, subparagraph 5 of the Additional Provisions of the Child Protection Act.

12. (New, SG No. 80/2015, in force from 16.10.2015) "Open-type centre" shall mean a territorial unit of the State Agency for Refugees which has a free movement regime.

13. (New, SG No. 80/2015, in force from 16.10.2015) "Closed-type centre" shall mean a territorial unit of the State Agency for Refugees where the right to free movement of the aliens seeking international protection accommodated therein, shall be restricted.

14. (New, SG No. 80/2015, in force from 16.10.2015) "Area" shall mean an area designated by the Chairperson of the State Agency for Refugees or an official empowered thereby which the alien seeking international protection shall not leave and which sufficiently allows for movement therein in order to safeguard the exercise of the rights established by this Law.

15. (New, SG No. 80/2015, in force from 16.10.2015) "Serious risk of absconding of an alien" shall be established where based on the factual data it can be reasonably presumed that the alien will attempt to abscond. Such indications may be available when the alien cannot be found at the address approved, that he has left without permission the area designated or the accommodation centre, that he has failed to appear without a good reason before an official of the State Agency for Refugees in implementation of the measure imposed under Article 45a, that he has violated the prohibition to enter the border area, that he has attempted to leave or has left the country, and other data.

16. (New, SG No. 80/2015, in force from 16.10.2015) An "alien seeking international protection with special needs" shall mean a person from a vulnerable group who needs special safeguards in order to avail himself/herself of the rights and to meet his/her obligations established by this Law.

17. (New, SG No. 80/2015, in force from 16.10.2015) "Persons from a vulnerable group" shall mean minor or underage persons, unaccompanied minor and underage persons, elderly people, pregnant women, single parents with underage children, victims of human trafficking, people with serious health problems, people with mental disorders, and people who are victims of torture, rape or other serious forms of mental, physical or sexual violence.

§ 1a. (New, SG No. 52/2007) This Law shall transpose the provisions of Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of

displaced persons and the measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers, Chapter Five of Council Directive 2003/86/EC on the right of family reunification, Council Directive 2004/83/EC on minimum standards for qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted and Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 2. This Law shall enter into force six months after its promulgation in the State Gazette and shall repeal the Law on Refugees (promulgated, SG No. 53/1999; corrected, SG No. 97/1999; amended, SG No. 45/2002).

§ 3. The State Agency for Refugees with the Council of Ministers shall be the successor of the Agency for Refugees with the Council of Ministers.

§ 4. Proceedings commenced prior to the entry into force of this Law shall be examined in accordance with the existing procedure.

§ 5. (Amended, SG No. 52/2007) Pending the opening of transit centres, procedures specified under Chapter Six, Sections Ia and II shall be conducted at registration-and-reception centres or in places designated by the Chairperson of the State Agency for Refugees.

§ 6. The Law on the Bulgarian Identification Documents (promulgated, SG No. 93/1998; amended, SG Nos. 53, 67, 70 and 113/1999; amended, SG No. 108/2000; amended, SG No. 42/2001; amended, SG No. 45/2002) shall be amended, as follows:

1. In Article 1, paragraph 2, the conjunction "and" shall be replaced by a comma and the phrase "and Communications and the State Agency for Refugees with the Council of Ministers" shall be added after the words "Ministry of Transport".

2. A new paragraph 3 shall be inserted in Article 8:

"(3) Where the application provided for in paragraph 2 refers to an identity document of an alien who is seeking or has been granted protection in accordance with the Law on Asylum and Refugees, the competent service of the Ministry of Interior shall forthwith notify the State Agency for Refugees or the nearest territorial unit thereof."

3. In Article 9, paragraph 2, the conjunction "and" shall be replaced by a comma, and the phrase "and the card of an alien who has been granted humanitarian status" shall be added after the words "the refugee card".

4. In Article 14:

a) Subparagraph (4) shall be amended, as follows:

"4. Temporary refugee certificate and temporary certificate of a refugee in the accelerated procedure";

b) New subparagraphs 10, 11 and 12 shall be inserted:

"10. card of an alien who has been granted humanitarian status;

11. certificate of an alien under temporary protection;

12. foreign travel certificate of an alien who has been granted humanitarian status."

5. In Article 21, paragraph 1, a second sentence shall be added: "Where the aliens seeking or granted protection do not hold such documents, their names shall be written in the sequence specified in a declaration they have signed before the competent authority."

6. Article 55 shall be amended as follows:

a) The existing text shall become paragraph 1;

b) A new paragraph 2 shall be inserted:

"(2) A temporary refugee certificate shall be issued forthwith after the opening of the status determination procedure. A temporary refugee certificate shall also be issued to an alien who is under the age of 14 and who is not accompanied by an adult member of his/her family."

7. In Article 57, paragraph 2, the words "aliens seeking refugee status" shall be replaced by "aliens who are seeking or have been granted protection in accordance with the Law on Asylum and Refugees".

8. In Article 58, a comma shall be inserted after the word "country" and the following shall be added: "except for an alien holding a temporary refugee certificate".

9. Article 59 shall be amended, as follows:

a) in paragraph 1:

aa) Subparagraph 3 shall be amended, as follows:

"3. a temporary refugee certificate shall be issued by the State Agency for Refugees to aliens with respect to whom a general refugee status determination procedure has been initiated, and a temporary certificate of a refugee in an accelerated procedure shall be issued by the State Agency for Refugees to aliens with respect to whom an accelerated refugee status determination procedure has been initiated, the validity of such certificates being as set out in the Law on Asylum and Refugees;"

bb) In subparagraph 4, after the words "refugee status", the words "or asylum" shall be added and "3" shall be replaced by "5";

cc) In subparagraph 5, a dash and the following text shall be added after the word "refugee": "shall be issued by the bodies of the Ministry of Interior to an alien who has been granted refugee status or asylum, and shall be valid for a term of up to 5 years without exceeding the validity of the refugee card";

dd) New subparagraphs 9, 10 and 11 shall be inserted:

"9. a card of a an alien who has been granted humanitarian status shall be issued by the bodies of the Ministry of Interior to an alien who has been granted humanitarian status, and the said card shall be valid for up to 3 years;

10. a certificate of an alien under temporary protection shall be issued to aliens under temporary protection under the terms and procedure specified in the Law ordering temporary protection;

11. a foreign travel certificate of an alien who has been granted humanitarian status shall be issued by the bodies of the Ministry of Interior to an alien who has been granted humanitarian status, and such certificate shall be valid for up to 3 years without exceeding the validity of the card of a humanitarian status holder."

b) Paragraph 2 shall be amended, as follows:

"(2) An alien's certificate of return to the Republic of Bulgaria shall be issued to a stateless person or to an alien who has been granted protection in the Republic of Bulgaria, who has lost abroad his/her Bulgarian identity document referred to in paragraph 1, subparagraphs 5, 6 and 11. The said document shall be issued to an alien in accordance with Article 34, paragraph 3 and Article 58, paragraph 5 of the Law on Asylum and Refugees, where the alien does not hold valid national foreign travel documents."

10. In Article 60, a comma and the following text shall be added at the end: "except for the documents provided for in Article 59, paragraph 1 subparagraph 3;

11. A new Article 60a shall be inserted:

"Article 60a. The validity of a refugee foreign travel certificate and of a foreign travel certificate of an alien who has been granted humanitarian status may be extended by a Bulgarian diplomatic or consular representation, in coordination with the State Agency for Refugees."

12. Article 61 shall be amended, as follows:

a) in paragraph 2, the words "granted refugee status" shall be replaced by "granted asylum, refugee status or humanitarian status";

b) Paragraph 3 shall be amended, as follows:

"(3) The current address shall be entered in the identity documents of aliens residing in the country on a long-term basis or of those in respect of whom a refugee status determination procedure is underway."

13. Article 62 shall be amended as follows:

a) the existing text shall become paragraph 1;

b) a new paragraph 2 shall be inserted :

"(2) An alien who is seeking or has been granted protection shall not be required to produce the document referred to in the foregoing paragraph, where he/she has entered the country without documents."

14. The Transitional and Final Provisions shall be amended, as follows:

a) § 9b shall be inserted:

"§ 9b. All identity documents of the aliens undergoing pending refugee status determination proceedings, or documents of refugees issued before the entry into force of the Law on Asylum and Refugees, shall be valid until the expiry of their validity."

b) In § 21, a comma shall be inserted after the words "aliens and refugees" and the following shall be added: "issued by the bodies of the Ministry of Interior".

c) In § 23, the conjunction "and" shall be replaced by a comma and the phrase "and Communications and the Chairperson of the State Agency for Refugees" shall be added after the words "Minister of Transport".

§ 7. The Law on Foreigners in the Republic of Bulgaria (promulgated, SG No. 153/1998, amended, SG No. 70/1999, amended, SG Nos. 42 and 112/2001, amended, SG No. 45/2002) shall be amended, as follows:

1. In Article 7, a comma shall be inserted after the word "foreign nationals" and the word "refugees" shall be replaced by "who is seeking or have been granted protection".

2. In Article 28a, paragraph 1, the words "refugee status" shall be replaced by "protection in accordance with the Law on Asylum and Refugees", and the sentence "The actions in fact and in law related to obtaining the permit shall be carried out by the Agency for Refugees." shall be deleted.

3. In Article 44, paragraph 1, the words "Agency for Refugees" shall be replaced by "State Agency for Refugees".

§ 8. The Civil Registration Act (promulgated, SG No. 67/1999; amended, SG Nos. 28 and 37/2001) shall be amended, as follows:

1. In Article 3, paragraph 2, subparagraph 2 (c), "or humanitarian status" shall be added after the word "refugee".

2. Article 26, paragraph 2, subparagraph 2 shall be amended as follows:

"2. A temporary refugee certificate or notice of birth of a child of parents who benefit from refugee or humanitarian status;"

3. In Article 52, a comma shall be inserted after the word "citizenship" and the words "or benefiting from refugee status" shall be replaced by "benefiting from refugee or humanitarian status".



§ 9. Article 70 of the Employment Promotion Act (promulgated, SG No. 112/2001) shall be amended as follows:

"(3) No work permit shall be required with respect to aliens permanently residing in the Republic of Bulgaria or aliens who have been granted asylum, refugee status or humanitarian status."

§ 10. Article 4, subparagraph 6 of the Law on the Bulgarian Red Cross (promulgated, SG No. 87/1995; amended, SG No. 44/1999) shall be amended, as follows:

"6. assist the aliens who is seeking or have been granted protection in the Republic of Bulgaria in accordance with the Law on Asylum and Refugees;"

§ 11. The Health Insurance Act (promulgated, SG No. 70/1998; amended, SG Nos. 93 and 153/1998; amended, SG Nos. 62, 65, 67, 69, 110 and 113/1999; amended, SG Nos. 1, 31 and 64/2000; amended, SG No. 41/2001; amended, SG No. 1/2002) shall be amended, as follows:

1. In Article 33, subparagraph 4, a comma shall be inserted after the word "refugee" and the words "humanitarian status" shall be added.

2. Article 34 shall be amended and supplemented as follows:

a) In paragraph 1 subparagraph 3, the words "under Article 33, subparagraph 3" shall be replaced by "under Article 33, subparagraph (4)";

b) In paragraph 2:

aa) A new subparagraph 2 shall be inserted:

"2. for the persons referred to in Article 33, subparagraph 4 - as of the date of initiating the procedure for granting refugee status or right of asylum;"

bb) the existing subparagraph 2 shall become subparagraph 3.

§ 12. In Article 13a of the Law on Bulgarian Citizenship (promulgated, SG No. 136/1998; amended, SG No. 41/2001) the words "or asylum" shall be added after the word "refugee".

§ 13. The implementation of this Law shall be entrusted to the Council of Ministers.

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This Law was adopted by the 39<sup>th</sup> National Assembly on 16 May 2002, and was sealed with the official seal of the National Assembly.

## **TRANSITIONAL AND FINAL PROVISIONS OF THE ADMINISTRATIVE PROCEDURE CODE**

(PROMULGATED, SG NO. 30/2006, IN FORCE FROM 12.07.2006)

§ 142. The Code shall enter into force three months after the publication thereof in the State Gazette, with the exception of:

1. Section Three, § 2, subparagraph 1 and § 2, subparagraph 2 – regarding the cancellation of Chapter Three, Section II "Court Appeal", § 9, subparagraph 1 and 2, § 11, subparagraph 1 and 2, § 15, § 44, subparagraph 1 and 2, § 51, subparagraph 1, § 53, subparagraph 1, § 61, subparagraph 1, § 66, subparagraph 3, § 76, subparagraph 1 - 3, § 78, § 79, § 83, subparagraph 1, § 84, subparagraph 1 and 2, § 89, subparagraph 1 - 4, § 101, subparagraph 1, § 102, subparagraph 1, § 107, § 117, subparagraph 1 and 2, § 125, § 128, subparagraph 1 and 2, § 132, subparagraph 2 and § 136, subparagraph 1, as well as § 34, § 35, subparagraph 2, § 43, subparagraph 2, § 62, subparagraph 1, § 66, subparagraph 2 and 4, § 97,

subparagraph 2 and § 125, subparagraph 1 – regarding the replacement of the word " regional" with "administrative" and replacement of the words "Sofia City Court" with "Administrative Court of the Sofia City", which shall come in force from as of 1 March 2007;

2. Paragraph 120 which shall enter into force on 1 March 2007.

3. Paragraph 3 which shall enter into force on the day of publication of the Code in the State Gazette.

### **Transitional and Final Provisions OF THE LAW ON AMENDING THE LAW ON ASYLUM AND REFUGEES**

(PROMULGATED, SG No. 52/2007)

§ 85. Procedures which have commenced prior to the entry into force of this Law shall be considered under the rules effective hitherto.

§ 86. Within one month after the entry into force of this Law the Council of Ministers shall approve the registration card standard forms under article 45, paragraph 1.

§ 87. All identity documents of aliens who are in a status determination procedure which have been issued prior to the entry into force of this Law shall be valid until the expiry date of the validity period for which they have been issued.

§ 88. Until registration card standard forms under article 45, paragraph 1 are approved and registration cards are being produced, aliens:

1. who are in an accelerated procedure or in a general status determination procedure shall have documents issued using the standard form and procedure effective until then.

2. who are in a procedure for determining the responsible State for examining the status application, shall be issued temporary refugee certificates in an accelerated procedure with the observation that the procedure is in conformity with the provisions of Chapter Six, Section Ia.

### **Transitional and Final Provisions OF THE STATE AGENCY FOR NATIONAL SECURITY ACT**

(PROMULGATED, SG NO. 109/2007, IN FORCE FROM 01.01.2008)

§ 44. The Act shall enter into force on 1 January 2008.

### **Transitional and Final Provisions OF THE PUBLIC FINANCE ACT**

(PROMULGATED, SG NO. 15/2013, IN FORCE FROM 01.01.2014)

§ 123. The Act shall enter into force on 1 January 2014, with the exception of § 115 which shall enter into force on 1 January 2013, and § 18, § 114, § 120, § 121, and § 122 which shall enter into force on 1 February 2013.

**Transitional and Final Provisions**  
**OF THE AMENDING AND SUPPLEMENTING ACT TO THE SPATIAL DEVELOPMENT ACT**

(PROMULGATED, SG NO. 66/2013, IN FORCE FROM 26.07.2013)

§ 117. The Act shall enter into force on the date of the publication thereof in the State Gazette.

**Transitional and Final Provisions**  
**OF THE SPATIAL DEVELOPMENT ACT**

(PROMULGATED, SG NO. 30/2006, IN FORCE FROM 12.07.2006)

§ 117. The Act shall enter into force on the date of the publication thereof in the State Gazette.

**Additional Provisions**  
**OF THE AMENDING AND SUPPLEMENTING ACT TO THE LAW ON ASYLUM AND**  
**REFUGEES**

(PROMULGATED, SG NO. 80/2015, IN FORCE FROM 16.10.2015)

§ 76. This Law shall transpose the provisions of Directive 2011/95/EU of the European Parliament and of the Council of the 13<sup>th</sup> December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, and the provisions of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ, L 337/9 of 20 December 2011).

**Additional Provisions**  
**OF THE AMENDING AND SUPPLEMENTING ACT TO THE LAW ON ASYLUM AND**  
**REFUGEES**

(PROMULGATED, SG NO. 80/2015, IN FORCE FROM 16.10.2015)

§ 83. The Act shall enter into force on the date of the publication thereof in the State Gazette, with the exception of § 40 which shall enter into force on 1 January 2016.

Standard Form of Transfer Permit for Persons Benefiting from Temporary Protection

Transfer Permit of an Alien Benefiting from Temporary Protection

TRANSFER PERMIT

Name of the Member-State issuing the transfer permit:

Reference number\*:

Issued pursuant to Article 26 of Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of effort between Member States in receiving such persons and bearing the consequences thereof.

Valid only for the transfer from .....<sup>1</sup>

to .....<sup>2</sup>

the person concerned must present himself/herself at .....<sup>3</sup>

by .....<sup>4</sup>

Issued at: .....

SURNAME/ LAST NAME: .....

FORENAMES /FIRST NAME AND PATRONYMIC: .....

PLACE AND DATE OF BIRTH: .....

In case of a minor/ person under the legal age, name(s) of parent/custodian/ guardian

.....

GENDER: .....

NATIONALITY: .....

Date issued .....

PHOTO

STAMP

Signature of the beneficiary: ..... For the competent authorities:

.....

The permit holder's identity was established by the authorities of.....<sup>5, 6</sup>

The permit holder's identity was not established .....

This document is issued solely pursuant to Article 26 of Council Directive 2001/55/EC and in no way constitutes a document equivalent to a travel document authorizing the crossing of the external border or a document providing the individual's identity.

\* *The reference number is assigned by the state from which the transfer to another Member-State is made.*

<sup>1</sup> *Member State from which the transfer is being made.*

<sup>2</sup> *member State to which the transfer is being made.*

<sup>3</sup> *Place where the person must present himself/herself on arrival in the second Member State.*

<sup>4</sup> *Deadline by which the person must present himself/herself on arrival in the second Member State.*

<sup>5</sup> *On the basis of the following travel or identity documents, presented to the authorities.*

<sup>6</sup> *On the basis of documents other than a travel or identity document.*

**COUNCIL DIRECTIVE 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted**

COUNCIL DIRECTIVE 2003/86/EC of 22 September 2003 on the right to family reunification

COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers

COUNCIL DIRECTIVE 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof

COUNCIL REGULATION (EC) NO 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the in force from application of the Dublin Convention

COUNCIL DECISION OF 26 JUNE 1997 on monitoring the implementation of instruments adopted concerning asylum

**COUNCIL DECISION OF 4 MARCH 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis**

**JOINT POSITION OF 4 MARCH 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the Status of Refugees**