



The Organisation of Asylum and Migration Policies

Factsheet: Bulgaria

1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in *Bulgaria*, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals (TCNs) coming for the purpose of legal immigration or for international protection. It is based on information provided in the Bulgarian National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*¹, as at **January 2009** and it was updated by the BG EMN NCP according to the current situation in September 2012.

2. Overview of organisation of political, legislative and institutional framework

2.1 The political system and institutional context

The National Council on Migration Policy, established under the *National Strategy of the Republic of Bulgaria on migration, asylum and integration (2011-2020)* is chaired by the Minister of Interior in view of improving inter-ministerial co-operation and coordination between the structures engaged in the migration processes. The Council functions as a linking unit between the respective ministries, the local authorities and the non-government sector engaged in the management of migration processes.

The Migration Directorate within the Ministry of the Interior handles the administration of residence of TCNs, removals, coordination, information and analysis and accommodation for irregularly staying TCNs. The State Agency for Refugees with the Council of Ministers is responsible for granting refugee status and subsidiary protection status / humanitarian status. In the Bulgarian Constitution, asylum is granted by the Presidential Institution and it is the responsibility of the Vice President. The General Directorate "Border Police" is responsible for border control. The Ministry of Foreign Affairs is responsible for visa matters through the diplomatic and consular services abroad. The Ministry of Labour and Social Policy proposes and implements measures for regulation of labour migration, regulates access to the national labour market and is responsible for the coordination of the immigrants integration measures. The Employment Agency under the Ministry issues work permits. The State Agency for Child Protection is responsible for the development and coordination of the State policy for child protection and implementation of related programmes. The Ministry of Justice is responsible for granting citizenship; the decision is taken by the Presidential Institution under the Vice President.

The Bulgarian Council for Refugees and Migrants, together with the Bulgarian Red Cross, the Association for Integration of Refugees and Migrants, Caritas – Bulgaria, Bulgarian Helsinki Committee etc., as well as ILO, IOM, ICMPD and the UN complement the work of the migration and asylum institutions in Bulgaria.

2.2 The legal framework

The Law for the Foreigners in the Republic of Bulgaria, with amendments, is the key piece of legislation and regulates conditions for TCNs. For EU citizens and their families, the Law for Entering, Residing and Leaving the Republic of Bulgaria of European Union Citizens and Members of their Families with amendments applies. The Ordinance for the conditions and the order of issuing, refusal and revoking work permits settles conditions related to work permits – following the framework set by the Employment Encouragement Law. The Law on Citizenship regulates the process of awarding of Bulgarian citizenship. The Law on Asylum and Refugees lays

¹ Available on the EMN website

down the conditions and the procedure for granting refugee status, humanitarian status /subsidiary protection status/ to TCNs, as well as their rights and obligations.

3. Development of migration and international protection systems

Since Bulgarian accession to the EU in 2007, national legislation is harmonized with the EU *aquis communautaire* and is being further developed in line with developments in migration and protection issues at EU level.. The National Strategy in the Field of Migration, Asylum and Integration (2011 – 2020) governs national policy and programmes, for example, for integration of refugees, on legal migration and integration etc. All stakeholders are represented in the National Council on Migration Policy.

4. Organisation of policy

4.1 Overview of migration and international protection policy

TCNs may enter the territory with the required valid travel document and visa. Visa types include: air transit visa, transit visa, short-term residence visa, and long-term residence visa. A visa is not required if the foreigner holds a prolonged, long-term or permanent residence card. Admission requires the fulfilment of specific criteria and the possession of documentation. EU citizens and their family members wishing to stay for more than three months must register to receive a residence permit. Applications for international protection may be lodged with the State Agency for refugees or any other State Authority. During the asylum procedure, accommodation, health care and social assistance are provided to applicants. All applicants, except unaccompanied minors are determined under an accelerated procedure and receive a decision (whether rejected as unfounded or admitted to general procedure) within three days. Legal aid is available at all stages.

Short-term residence may not exceed ninety days. Prolonged residence is given for the period up to one year mainly for reasons connected with education, family reunification and labour. Long-term residence is given for a period of 5 years, with a possibility of renewal, for the purpose of e.g.: employment, (freelance) self-employment, commercial activities, study, non-profit activities, medical treatment, and family reunification. Requirements must be met regarding housing, subsistence, compulsory insurance and social insurance. Permanent residence may be granted after five years of uninterrupted residence or in case of e.g. certain family ties, investments or Bulgarian nationality.

Regarding access to the labour market, certain types of short term employment and study are exempted from work permit requirement. Registration must however be done before entry and employment. Work permits may be issued to a TCN having specialised knowledge, skills and professional experiences, where certain conditions are met. A work permit can be extended for up to 12 months if valid grounds exist and employment is not interrupted. Asylum applicants have access to the labour market if the asylum procedure has not been finalised after one year. Refugees and persons granted humanitarian status have the right to work.

Return can be forced or voluntary with the latter as the preferred option. Centres for temporary accommodation of foreigners anticipating escort to the border and expulsion have been established.

4.2 Links with other policies

Migration policy is related to other sectors, such as: public health, education, commerce, demographics, transport, anti-poverty, and working conditions. Labour market policy and work force characteristics are important elements, as immigration policy is applied in support of economic development.

5 Analysis of Asylum and Migration Systems

The main tasks and drivers of the asylum and migration system have been effective prevention of illegal migration and to meet the needs of the national labour market. Moreover, being an external border to the EU entails certain challenges in terms of migration pressure, and the EU accession led to the need to update the mechanisms for control and regulation of migration, including a long-term strategy with a view to national security and economy. So, a need has emerged to develop and apply a successful integration programme. Harmonisation and cooperation at EU level as well as regionally and nationally are seen as instrumental to overcome existing challenges and to reach set objectives.

ANNEX: Institutional Chart for Bulgaria

Bulgaria

Institutional Framework of Immigration and Asylum policies*

