



Bulgaria lacks services for unaccompanied and separated minors

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Unaccompanied and separated minors in Bulgaria do not receive adequate protection, as there are no appropriate accommodation arrangements for them. Reception systems vary greatly in quality and often pose protection risks.

Description

19,418 people sought international protection in Bulgaria in 2016, according to the State Agency for Refugees (SAR). 2015 was the year with the highest inflow of asylum seekers since 1993, SAR data show, with 20,391 people coming to Bulgaria. The surge in their number started in 2013: it was then 7,144 and jumped to 11,081 in 2014. Between 2015 and 2016, the number of asylum request refusals grew sharply, from 623 in 2015 to 1,732, meaning a decline of positive decisions to 44% in 2016, compared to 91% in 2015, according to Eurostat data. SAR data show that, in November 2016 alone, 1,755 people sought asylum in Bulgaria, of which 32% were minors - i.e. children below the age of 18. The total number of unaccompanied minors coming to Bulgaria stood at 1,815 in 2016, compared to 2,750 in 2015 (Eurostat).

According to UNHCR, UNICEF and IOM (2017), "6,447 children, including UASC (unaccompanied and separated minors), (are) accommodated in reception centres in Sofia and southern Bulgaria. With the exception of families with small children, all persons intercepted, including children and UASC, are routinely detained until they claim asylum. In 2016, on average children spent eight days in detention before being transferred to a reception centre. The reception systems vary greatly in quality and are often even posing protection risks."

Apart from being very vulnerable, UASC are also a very fluid group – they often do not come to Bulgaria to stay and most of them quickly leave the country after arriving. "The large number of children who are not in shelters have either moved onwards or found themselves destitute on the streets or in informal accommodation." (UNHCR, UNICEF and IOM 2017).

A report by UNICEF (2016) highlights the importance of identifying unaccompanied minors at the earliest possible stage, i.e. at their very first encounter with government authorities, as this has a decisively positive impact: there are rights and guarantees that specifically apply to them. A legal representative of the unaccompanied minor should be appointed immediately upon identification of the minor, in order to guarantee determination of, and respect for, the minor's best interest and his/her access to his/her rights. If the minor is accompanied by an adult who is not a parent but there are sufficient grounds to ascertain that he/she is responsible for the minor by law or custom/proven practice of the Bulgarian state, this accompanying person can be formally appointed as the minor's legal representative, unless this would go against the minor's best interest.

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Outlook & commentary

In October 2015, some amendments were introduced to the Asylum and Refugees Act. According to the new provisions, a guardian from the municipal administration needs to be appointed by the mayor of the municipality or by an official authorised by him/her for any unaccompanied minor seeking or receiving protection.

Due to the divergent positions of the different institutions for more than two years now, the Coordination Mechanism for interaction between the national and local child protection authorities in cases of unaccompanied minor or juvenile migrants has not been finalised and adopted by the Bulgarian

Government. A new working group formed by officials of governmental institutions, international organisations and civil society organisations has been set up to revise this Mechanism. Its main objective is to make the institution of guardianship really efficient and to ensure that it is in the best interest of unaccompanied minors, so as to guarantee that they have effective access to health, educational and social services.

Bulgarian law needs to provide specific criteria for the designation of an “accompanying person” in conformity with the applicable Bulgarian legislation and administrative custom. A key criterion in that respect is the minor being effectively taken into the care of such an accompanying person.

Further reading

UNICEF (2016), “Analysis of legal and administrative barriers to the operation of a Coordination Mechanism ensuring interaction among institutions and organisations involved in guaranteeing the rights of unaccompanied minor aliens staying in the Republic of Bulgaria, including those who seek or have been granted international protection”:

<https://www.unicef.bg/en/article/An-Analysis-of-legal-and-administrative-barriers-to-the-operation-of-a-Coordination-mechanism-ensuring-interaction-among-institutions-and-organisations-involved-in-guaranteeing-the-rights-of-unaccompanied-minor-aliens-staying-in-the-Republic-of-Bulgaria/1100>

State Agency for Refugees with the Council of Ministers:

<http://www.aref.government.bg/?cat=2>

http://www.aref.government.bg/docs/Applications-Decisions-1993-2016_-_english_11.16.xls

Thematic report from the Ombudsperson in Bulgaria on unaccompanied minors (2016): <http://www.ombudsman.bg/pictures/Doklad%20nepridrujeni%20detca,%20bejantci.pdf>

FRA (2016), “Monthly data collection on the current migration situation in the EU” (February 2016 monthly report), pp 25-32: http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-monthly-compilation-com-update-3_en.pdf

UNHCR, UNICEF and IOM (2017), Refugee and Migrant Children Including Unaccompanied and Separated Children in the EU – Overview of Trends in 2016: <https://data2.unhcr.org/en/documents/download/55971>

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