First instance determination - Bulgaria

Overview of first instance procedures

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Relevant EU legislation

Bulgaria is bound by the recast Reception Conditions Directive, the recast Asylum Procedures Directive and the Dublin III Regulation and has transposed their provisions through the Law on Asylum and Refugee (LAR) | ЗАКОН ЗА УБЕЖИЩЕТО И БЕЖАНЦИТЕ.

National legislation

The national legislation governing the procedure for international protection is the Law on Asylum and Refugees. The relevant provisions can be found as follows:

- Regular Procedure – Chapter 6
- Admissibility - Article 15(1) (1-9)
- Accelerated - Article 13 (1)
- Subsequent application - Articles 71, 76a to 76c of the LAR and Article 76d in conjunction with Article 13 (2)(4).

Competent authority and other stakeholders

The State Agency for Refugees (SAR) with the Council of Ministers (bg. Държавна агенция за бежанците (ДАБ) при Министерския съвет), is competent for examining and deciding on applications for international protection (refugee status or subsidiary protection - humanitarian protection). The SAR's main tasks, as defined by law, are to organise the reception and temporary accommodation of foreign nationals applying for international protection, their

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registration and the conduct of administrative proceedings for status determination – see Articles 48 and 53 of the Law on Asylum and Refugees.

The staff are supervised by a Head, namely a Chairperson, who is determined by decision of the Council of Ministers and shall be appointed by the Prime Minister. The Chairperson shall be assisted by two Vice-Presidents – see Article 50 of the Law on Asylum and Refugees.

The chairperson of the State Agency for Refugees (SAR) is responsible for taking the first instance decision on the asylum claim – see Articles 2 (3) and 48 of the Law on Asylum and Refugees.

The Chairperson is responsible for appointing the officers in charge to take decisions in the Dublin procedure and in the accelerated and admissibility procedure – see Section 1a LAR, Chapter V, Articles 48, 70, 76b of the Law on Asylum and Refugees.

The structure of the Agency comprises a specialised administration organised in there directorates — Quality of the procedure for international protection, International Affairs, Social Action and Adaptation, and other directorates. The SAR structure and organisation is governed by specific regulations.

The number of workers was a total of 402 in 2021, out of which 34 were caseworkers. The number of staff of SAR is regulated by the Rules of Procedures as amended by Resolution № 100 of 30 April 2019 for amendment and supplement of the Rules of Procedure of the State Agency for Refugees under the Council of Ministers, adopted by Decree № 59 of the Council of Ministers of 2008.

In 2021, a Human Resources Development Strategy has been developed to effectively implement the objectives of the State Agency for Refugees.

The SAR report on its activities in 2024 mentions that the State Agency for Refugees had 395 posts in official and employment relationships.

Other actors involved:

The SAR has to inform the State Agency for National Security (SANS) [Държавна агенция "Национална сигурност" of the registration of each asylum application and a national security screening is being performed.

According to Article 58 (10) of the Law on Asylum and Refugees (LAR), the State Agency for Refuges must require a written opinion of the State Agency for

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National Security, upon receipt of an application for international protection, and which opinion is taken into account when deciding in the proceedings under the general procedure. Such opinion is not required in the cases falling under Article 70, namely in the accelerated procedure.

SANS conducts security assessments based on interviews with applicants, which are often held as soon as they are detained by police, border and immigration officers.

According to Article 64 of the LAR, state bodies are obliged to provide the information requested by the State Agency for Refugees, necessary for clarifying the circumstances of the submitted application.

Types of procedures and case processing

The different types of asylum procedures in the Bulgarian system are:

- Regular Procedure – Chapter 6 of the Law on Asylum and Refugees
- Accelerated - Article 13 (1) of the Law on Asylum and Refugees
- Subsequent application - new elements or findings have arisen, related to his personal situation or in the country of origin (Articles 76a to 76c of the Law on Asylum and Refugees; Article 76d in conjunction with Article 13 (2)(4) of the Law on Asylum and Refugees).

Time limit for a decision and length of the procedure

In line with the Law on Asylum and Refugees, the time limit for the Chairperson to announce a decision is 6 months, which in exceptional cases can be extended to 21 months, for which the applicant is informed. During the procedure, the applicant can receive information regarding the status of his procedure and should at any time feel that his procedure is delayed for no reason, he can submit an appeal with the Regional Administrative Court against SAR for inaction in a procedure. The appeal can be lodged in line with the provisions of the Procedural Administrative Code.

Prioritisation policies:

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The standard time-limit for taking a decision is 6 months from the lodging of the application. The procedure may be prolonged by another 9 months, pursuant to Article 74 (2) of the Law on Asylum and Refugees when:

- there are complex issues of fact and/or law are involved.
- if evidence is insufficient in order to take a decision within 6 months;
- a large number of persons simultaneously apply for international protection, making it very difficult to comply with the 6 months deadline.

In case of extension of the time limit for processing the application, the applicant must be notified of such extension and the reasons for it in person or by message with confirmation of receipt, as required by Article 74 (3) of the Law on Asylum and Refugees.

The deadline for issuing a decision can reach a maximum of 21 months, as provided under Article 75 (5) of the Law on Asylum and Refugees.

The Law on Asylum and Refugees requires that, within 4 months of the beginning of the procedure (Article 74 LAR) caseworkers draft a proposal for a decision on the asylum application concerned. The asylum application should firstly be assessed on its eligibility for refugee status. If the criteria are not meet and the outcome is negative, the need for subsidiary protection on account of a general risk to the applicant’s human rights should also be considered and decided upon. The interviewer's position is reported to the decision-maker, who has another 2 months for consideration and decision. Determination deadlines are not mandatory, but only indicative and even if these deadlines are exceeded, this does not affect the validity of the decision.

There is no prioritisation neither in law, nor in practice. However, a specific procedure is applied with respect to subsequent applications (see Section III of Chapter 6 of the Law on Asylum and Refugees.

According to the State Agency for Refugees report for 2024, the SAR identified delays in the processing of asylum applications and immediate measures were adopted to mitigate the risk of such delays, also through guidelines issued by the Quality of the International Procedure Directorate within the SAR.

Quality assurance of first instance procedures

Quality review/assessment:

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UNHCR is authorised by law, pursuant to Article 3 (2) of the Law on Asylum and Refugees to monitor every stage of the asylum procedure. The UNHCR's implementing partner, the Bulgarian Helsinki Committee, also exercises this right on behalf of UNHCR. The quality monitoring activities carried out by the Bulgarian Helsinki Committee on behalf of UNHCR involve evaluation of the following stages of the procedure: registration, interviews, first instance decisions, and appeal hearings in court. The Bulgarian Helsinki Committee publishes annual reports of its own qualities monitoring activities, available here: 2018 and 2019, 2020, 2021 , 2022, 2023, 2024.

With regard to the decision-making process, the SAR has an ex-ante review mechanism in place whereby the caseworker, the head of the respective reception centre and the legal department of the SAR must agree on a draft decision that is then transferred to the SAR's chairperson for the final decision. This process was formalised when the internal guidelines were amended in 2020.

The SAR has established a Quality of the International Procedure Directorate which controls the quality of the procedure through regular and random sampling of decisions. On the basis of its findings, the Quality of Procedure Department issues guidance on the interpretation of legal provisions and the improvement of different stages of the procedure.

The legislative provision regarding the Quality of Procedure Directorate is the Resolution № 100 of 30 April 2019 for amendment and supplement of the Rules of Procedure of the State Agency for Refugees under the Council of Ministers, adopted by Decree № 59 of the Council of Ministers of 2008.

The SAR only publishes a summary of its quality reports and measures in its annual activity report, not a specific public outcome of the quality control. The SAR published Annual Reports for 2018, 2019, 2020, 2021, 2022, 2023, 2024. Other type of reports published by the SAR are available here.

Interinstitutional cooperation

UNHCR is authorised by law, pursuant to Article 3 (2) of the Law on Asylum and Refugees to monitor every stage of the asylum procedure. Its prerogatives are also delegated to the Bulgarian Helsinki Committee, which conducts quality monitoring activities.

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There are joint conferences and exchanges of information between SAR and the courts, or with other relevant stakeholders. However, there is no regular schedule for such meetings. The SAR provides publicly available information of such meetings and exchanges under its news page and in the annual reports.

The rules on the structure and organisation of the State Agency for Refugees provide that the Chairman is competent to liaise with other relevant stakeholders.

Regular asylum procedure at first instance

Legal basis

The regular procedure for international protection is governed by Chapter VI of the Law on Asylum and Refugees.

Competent authority and stakeholders

The State Agency for Refugees | Държавна агенция за бежанците (ДАБ) is the competent authority to decide on applications for international protection.

The SAR's main tasks, as defined by law, are to organise the reception and temporary accommodation of foreign nationals applying for international protection, their registration and the conduct of administrative proceedings for status determination – see Articles 48 and 53 of the Law on Asylum and Refugees .

Personal interview

A personal interview is organised by the State Agency for Refugees pursuant to Article 63a of the Law on Asylum and Refugees (LAR).

After the registration has been completed, a date for an interview shall be set in order to determine the eligibility for refugee or subsidiary protection (“humanitarian status”). Article 63a (3) of the LAR requires that asylum seekers

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whose applications were admitted to the regular procedure be interviewed at least once with regard to the facts and circumstances of their applications.

Other interviews can be conducted only if there are contradictions in the statements or if some facts need to be clarified - Article 63a (5) of the Law on Asylum and Refugees.

Assessment of an application

Pursuant to Article 73 of the Law on Asylum and Refugees: applications for international protection shall be examined by the State Agency for Refugees individually, objectively and impartially, with an assessment of the granting of refugee status first being made. In the event that refugee status is not granted, the need for granting humanitarian status shall be considered.

The State Agency for Refugees published their Internal rules for conducting the procedure for granting international protection.

Scope and outcomes of a decision

According to Article 48 (1) of the Law on Asylum and Refugees, the Chairperson of the State Agency for Refugees is competent to:

- provide international protection in Bulgaria;
- refuse international protection in Bulgaria;
- terminate the proceedings for providing of international protection.

Under the regular procedure for international protection, Article 75 of the Law on Asylum and Refugees provides the following outcomes of the procedure for international protection through decision adopted by the Chairperson of the SAR: a) grants refugee status, b) refuses refugee status, c) grants humanitarian status, d) refuses humanitarian status.

In the current Law on Asylum and Refugees, the decisions on asylum and return are issued separately.

According to the State Agency for Refugees Annual Report on international protection 2023 the authorities are preparing amendments to the legislation to

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provide for joint issuance of a negative decision in asylum with a return decision. Due to unforeseen circumstance regarding the political situation in Bulgaria, the amendments to the law were not examined by the National Assembly. In line with the new provisions for adapting the national legislation to the new Pact on Migration and Asylum, the provisions would be revised, adapted and proposed with the new legislation.

Withdrawal of an application

Competent authority to withdraw an application

The State Agency for Refugees is the competent authority for implicit and explicit withdrawals. According to Article 77 of the Law on Asylum and Refugees the Chairperson of the State Agency for Refugees shall take a decision to terminate the proceedings for granting international protection.

Implicit withdrawal

The specific grounds for implicit withdrawal are provided under Article 15 (1) items 1-4 of the Law on Asylum and Refugees:

1. after a due invitation, the foreigner did not appear for an interview and did not provide objective reasons for his/her failure to appear within 30 days;
2. the foreigner cannot be found twice at his authorized address or at another address indicated by him/her;
3. the foreigner changed his address without notifying the State Agency for Refugees and did not indicate objective reasons for this within 30 days;
4. three or more times the foreigner refuses to cooperate with the officials of the State Agency for Refugees in clarifying the circumstances related to his application.

Articles 77-79a of the Law on Asylum and Refugees (LAR) provides for the proceedings for termination and withdrawal of international protection.

The proceedings for termination and withdrawal of international protection is initiated when there are new data shows which are grounds and circumstances to reconsider the granting of international protection – see Article 78 (1) of the LAR.

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Proceedings terminated on any of the grounds under Article 15 (1), items 1 – 4 of the LAR (implicit withdrawal) must be considered to have resumed if the applicant appears within 9 months of the termination and wishes his application for protection to be examined. In such case, proceedings can be resumed only once – see Article 77 (2) of the LAR.

The applicant must be notified by letter of the initiation of the proceedings and must be informed of the date and place of the interview where s/he can present objections to the revocation or termination of the international protection – see Article 78 (2) of the LAR. The applicant is also notified that s/he can submit written observations if s/he is unable to attend the interview.

Section II, Articles 126 – 132 of the Internal rules for conducting the procedure for granting international protection provide details on the procedure for withdrawal.

The Chairperson of the SAR shall decide on the termination within 3 months of the initiated proceedings- see Article 78 (5) of the LAR. The time limit is one month in case there are serious reasons to consider that the third country national was involved in terrorist activities – pursuant to Article 78 (6) of the LAR. Decisions adopted on withdrawal or termination of [proceedings for international protection are notified to the applicants under the same rules as per the regular procedure – see Articles 79a and 76 of the LAR.

In case no reasons to withdraw or to terminate the international protection were found, the Chairperson of the SAR shall terminate the proceedings.

Article 15 (2) of the LAR provides that when there are sufficient elements to indicate that the application for international protection is unfounded, then the application can be examined under the regular procedure as provided under Article 75 of the Law on Asylum and Refugees.

The SAR decision on withdrawal can be appealed, according to Article 78 (5) of the LAR within 14 days of its delivery to the administrative court at the third country national's permanent address. The appeal must be submitted to SAR and has automatic suspensive effect – see Article 84 (5) of the LAR. The procedure and the safeguards (legal assistance, interpretation) are identical as for the regular procedure for appeals in asylum cases.

The decision of the administrative court is subject to further cassation appeal pursuant to Article 85 (3) of the Law on Asylum and Refugees.

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Explicit withdrawal

Article 15 (1) items 5 of the Law on Asylum and Refugees provides that the applicant can request the withdrawal of his/her application. The same procedure applies as for the implicit withdrawal except for the time to decide on such request which is one month – pursuant to Article 79 (1)(4) of the LAR.

The SAR decision on withdrawal can be appealed, according to Article 78 (5) of the LAR within 14 days of its delivery to the administrative court at the third country national's permanent address. The appeal must be submitted to SAR and has automatic suspensive effect – see Article 84 (5) of the LAR. The procedure and the safeguards (legal assistance, interpretation) are identical as for the regular procedure for appeals in asylum cases.

The decision of the administrative court is subject to further cassation appeal pursuant to Article 85 (3) of the Law on Asylum and Refugees.

Section II, Articles 126 – 132 of the Internal rules for conducting the procedure for granting international protection provide details on the procedure for withdrawal.

Personal interview

Competent authority: Interviewers

The Chairman of the State Agency for Refugees has the competence to designate officials from the State Agency for Refugees as interviewing officers to perform the activities provides by the Law on Asylum and Refugees regarding the personal interview – see Article 48 (10) of the Law on Asylum and Refugees.

The role and tasks of interviewers is stipulated in Articles 49 and subsequent of the Internal rules for conducting the procedure for granting international protection.

Special procedural guarantees during the interview

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All applicants are subject to at least one interview, with specific arrangements for applicants with special needs. Additional interviews can be conducted if necessary and relevant for the proceedings.

For foreign minors, Article 50 of the Internal rules for conducting the procedure for granting international protection provides for the presence of a representative and a social worker from the Social Assistance Directorate. The interviews with foreign minors must be conducted in a form adapted to their age and development. The interviewer can ask basic questions, followed by additional questions depending on the personal history of the foreigner and his age.

With regards to interviewing unaccompanied minors, there are special rooms for unaccompanied children in the Sofia Registration and Reception Centre and at the Harmanli Registration and Reception Centre. Interviews are held there in a child friendly environment and meetings were organised with the representatives as appointed under article 25a of the Law on Asylum and Refugees.

A legal representative is appointed for unaccompanied minor, pursuant to Article 25a of the LAR. The representative of the UAM participates in interviewing the child in the framework of the international protection procedure and may ask supporting questions and express his/her opinion in support of the child.

Pursuant to the Law on Child Protection, in each procedure for granting international protection where a minor applicant is involved, the relevant Child Protection Department shall appoint a social worker who is present at the interviews with the minor and expresses an opinion and submits a report on the case concerning the best interests of the child. The documentation prepared by the relevant social worker becomes part of the administrative file of the foreigner and is taken into account when ruling on his/her application for protection.

Unaccompanied minors shall be informed and consulted in an appropriate manner, according to their age and level of development, of their rights and interests arising from the legislation on child protection, migration, asylum and refugees. The relevant social worker from the Child Protection Department provides the necessary information for minors to help them form their opinion. The unaccompanied minors are consulted about the possible consequences arising from their will and the decisions of the authorities.

As part of the procedure for granting international protection, unaccompanied minors are interviewed. The unaccompanied minor can share his/her opinion with

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the representative, the social expert from SAR and a social expert from the Child Protection Department.

An additional procedural guarantee is regulated in the Law on Child Protection, as the provision states that in any administrative or court proceedings affecting the interest of a child, the latter must be heard if he has reached the age of 10. Before hearing the child, the court or administrative authority must:

1. provide the necessary information to help the child form his/her opinion;
2. inform the child of the possible consequences of his/her will, of the opinion he/she maintains, as well as of any decision of the judicial or administrative authority.

The child's opinion must be taken into account and assessed in the context of all the evidence gathered in the proceedings.

An age assessment is conducted when there is a doubt whether the applicant is a minor - Article 61a (2) - (4) of the Law on Asylum and Refugees.

For applicants with medical health issues, the SAR can order a psychiatric examination in case there are serious doubts that the applicant cannot take care of himself and his affairs due to a mental disability or a mental illness – see Article 61a (5) of the Law on Asylum and Refugees. Article 63a (7) of the LAR provides also that an interview must not be conducted with a foreigner who cannot take care of his/her affairs due to mental incapacity or mental illness or who cannot give oral or written statements due to objective reasons. The interviewing authority must consult a doctor to establish whether the condition due to which the foreigner cannot be questioned is temporary or permanent, in case of doubts.

Similarly, the opinion of an expert can be requested by the interviewing authority on certain issues related to medical, psychological, cultural or religious aspects, children or gender. A medical examination can be requested by the interviewing authority with the applicant's consent in connection with traumatic experience due to past persecution or serious assaults. The applicant's refusal to undergo a medical examination is not an obstacle to making a decision. The medical examination can also be carried out at the initiative of the applicant and at his expense – see Article 61a (6) and (7) of the Law on Asylum and Refugees.

Possibility to omit the personal interview

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Positive decision	According to art. 63a (12) of the Law on Asylum and Refugees: The personal interview can be omitted in cases where positive decision for providing of international protection under: • Article 8 (9) - As refugees shall be considered the family members of a foreigner with conceded refugee status, provided the family ties precede the foreigner's entry into the country, as far as this is compatible with their personal status and the circumstances under Article 12 (1) are not present. and • Article 10 - A refugee status shall also be provided to a foreigner staying on the territory of the Republic of Bulgaria, recognised as a refugee by the mandate of the UNHCR, will be taken (resettled refugees).
Previous meeting - essential information	No
Issues raised are not relevant or of minimal relevance	No
Safe country of origin	No
Safe third countries	No
Inconsistent, contradictory, improbable, insufficient representations	No
Subsequent application	No

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Application to merely delay/frustrate enforcement	No
Not reasonably practical to conduct it	No
Applicant unfit or unable to be interviewed	For serious medical reasons – Article 63a (7) of the Law on Asylum and Refugees - mental disorders, or any objective reason that prevents the applicant to take care of his matters and to give verbal or written statements. In case of doubt, the interviewing authority shall have a doctor consultation to assess of the applicant condition of temporary or permanent nature.

A decision taken without having conducted an interview is unlawful except for the cases provided by art. 63a (7) of the Law on Asylum and Refugees (medical grounds) and Article 63a (12) of the Law on Asylum and Refugees (family members). According to art. 63a par. 13 if the interview is not conducted, this does not constitute an obstacle for taking a decision on an application for international protection.

The absence of a lawyer does not constitute an obstacle for conducting the interview pursuant to Article 63a (11) of the Law on Asylum and Refugees.

Organisational aspects

Preparation and timing of the interview:

The Internal rules for conducting the procedure for granting international protection provides for the following steps for preparation and timing of the interview under Article 49:

- the interviewer must be designated the latest on the day following registration of the application,
- the interviewer must immediately draw a letter to the State Agency for National Security (SANS); in case of a change in the personal data of the

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applicant, a letter must be sent to the SANS with the new data,
- before the conduct of the interview, the officer must familiarise him/herself with the information in the file, including country of origin and/or habitual residence information, as well as whether the applicant belongs to a vulnerable group or the presence of special needs,
- the interview is conducted on a model basis, following the guidelines in the EUAA's practical guide for conducting an interview. The interviewer asks basic questions specified in the template, followed by additional questions based on the personal history of the applicant,
- the interview must be conducted within 2 months of the registration of the application,
- when a representative must be present or a social worker from the relevant Child Protection Department or a lawyer is appointed, the interview must be conducted within a time limit set by the interviewing authority, by considering the workload and schedule of interviews.

Information provision (before the personal interview)

According to Article 58 (8) of the Law on Asylum and Refugees the applicant must be informed in writing, in a language that s/he understands, and no later than 15 days from the submission of the application, of the procedure which it will be followed, of his rights and obligations, of the consequences for not-complying with his obligations or for the refusal to cooperate with the State Agency for Refugees officials, as well as for the consequences of the tacit or explicit withdrawal of his application. The applicant is also informed about the organisations providing legal and social assistance to foreigners. Where circumstances so require, this information may be provided orally.

The Internal rules for conducting the procedure for granting international protection provide under Article 16 the obligation, immediately before registration, for the foreigner to be provided with a copy of the instructions on his/her rights and obligations as an applicant for protection in the Bulgaria in a language he/she understands (according to a model). In cases where the applicant is illiterate or blind, the registrar must read the instructions to him with the help of an interpreter. Subsequently, the foreigner, the registrar and the translator must sign and write the name and surname of the copy in Bulgarian. This document must be kept in the personal case of the foreigner. If the foreigner is a minor, a social worker or a social expert must also be present at the registration.

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The applicant shall be duly informed that the data gathered during the registration and the interviews is confidential and will be used only for the purpose of the procedure. Article 63 b of the Law on Asylum and Refugees specifically provides that the interview must be conducted by guaranteeing confidentiality.

Modalities of carrying out the interview

The interviews usually take place at the reception centers. There is no provision in the law of in the Internal rules for conducting the procedure for granting international protection for conducting the personal interview remotely.

Choice of gender of the interviewer/interpreter

The law provides for a choice of interviewer and/or interpreter according to gender considerations – Article 63a (6) of the Law on Asylum and Refugees.

In practice, all asylum seekers are asked explicitly whether they would like to have an interviewer or interpreter of the same sex in the beginning of each interview, although cases when this obligation is omitted by the caseworker still occur.

Objecting to the interviewer/interpreter

Although there is no specific provision, the applicant can request a different case worker if there is good reason for such request.

Language and interpretation

The presence of an interpreter ensuring interpretation into a language that the asylum applicant understands is mandatory according to Article 63a (8) of the Law on Asylum and Refugees.

Interpretation is secured only from English, French and Arabic languages, and mainly in the reception centres in the capital Sofia. Interpreters from other key languages such as Kurdish (Sorani or Pehlewani), Pashto, Urdu, Tamil, Ethiopian and Swahili are reportedly largely unavailable. With respect to those who speak languages without interpreters available in Bulgaria, the communication takes place in a language chosen by the decision-maker, not the applicant.

Videoconference interpretation is also used, usually
in Pastrogor, Harmanli and Banya, the reception centres outside the capital Sofia, where interpreters are harder to find and employ, in which case interviews are

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conducted with the assistance of the interpreters who work in Ovcha Kupel, Vrazhdebna and Voenna Rampa, the reception centres and shelters in Sofia.

In 2023, asylum legislation was amended to allow EUAA interpreters to support the registration and assessment of applications for international protection. The Operational Plan for Bulgaria 2023 -2026 between EUAA and Bulgaria provides for support on interpretation services, including ad hoc support with interpretation for rare languages to support asylum processing activities. Given the above, there are currently no issues with providing interpretation

Persons present during the interview

The following persons may be present at the personal interview:

- legal representative or lawyer,
- legal representative of the UAM,
- family member, if authorised by the interviewing authority (Article 63b (2) of the Law on Asylum and Refugees),
- social worker from the Child Protection Department (Article 50 of the Internal rules for conducting the procedure for granting international protection),
- interpreter,
- UNHCR representative - according to art. 23 (1) of the Law on Asylum and Refugees, the applicant can be assisted by UNHCR at every stage of the procedure.

Article 63a (11) of the Law on Asylum and Refugees stipulates that the legal representative and/or lawyer of the foreigner may be present during the interview and may state his / her views at the end of the interview. The absence of a lawyer does not constitute an obstacle to conducting a personal interview.

For family members, Article 49 (10) of the Internal rules for conducting the procedure for granting international protection provides that the interview of family members and the applicant's relatives take place on the same day, with foreigners being summoned immediately one after the other.

All asylum applicants are interviewed at least once in order to determine their eligibility for refugee or subsidiary protection ("humanitarian status"). Further interviews are usually only conducted if there are contradictions in the

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statements or if some facts need to be clarified, pursuant to Article 63a (5) of the Law on Asylum and Refugees.

The interview is required to be held in a language the applicant has requested, and when this is not possible – in a language the applicant understands, as required under Article 63a (8) of the Law on Asylum and Refugees.

During the interview, the applicant shall be given the opportunity to give explanations, related to incompleteness, inconsistencies or contradictions in his statements, as provided under Article 63a (4) of the Law on Asylum and Refugees . The applicant has the obligation to present all evidence to support his/her application, failure to which the decision will be made without such evidence – see Article 63a (2) of the Law on Asylum and Refugees.

The State Agency for Refugees uses an unified interviewing process via a standard set of questions to determine eligibility. Specific interview form is adapted for minors.

According to Article 52 (2) of the Internal rules for conducting the procedure for granting international protection, the interviewer must collect the following documentary evidence:

1. valid identity documents of the alien: national passport/identity card/driving licence/birth certificate/citizenship certificate/military booklet/family book; extracts from registers/another available identity document.
2. documents certifying the legal residence of a family member of the foreign national in the territory of another Member State:

- registration card or other document certifying that the person is in proceedings for international protection
- decision granting international protection, residence document or visa
- passport or identity card certifying citizenship of an EU Member State
- another available document attesting to the legal residence of a person on the territory of another Member State.

3. documents attesting to a family relationship between the foreign national and a person in the territory of another Member State: civil marriage certificate/civil status certificate/ family book/extracts from administrative registers/another available document attesting to a family relationship.
4. declarations of family reunification.
5. medical documents and/or medical expertise.

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6. documents drawn up by an expert in social activities relating to the particular situation of a foreign national seeking international protection, identifying his or her special needs.

In case the interviewing officer would, on the basis in information and evidence gathered. Find that there are indications to apply the Dublin procedure, the office must issue a written form initiating proceedings to determine the Member State responsible for examining the application for international protection – see Article 53 of the Internal rules for conducting the procedure for granting international protection.

Audio/Video recording and written report

The personal interview is audio-recorded if the applicant consents to it, as stipulated by Article 63a (3) of the Law on Asylum and Refugees. The caseworker takes a verbatim written record during the personal interview. The applicant is asked to approve the report after the PI when the transcript is read out to him/her. The interview report is signed also by the interpreter and by the caseworker and other people present – legal representative, social worker, etc.. The applicant is given an opportunity to clarify or rectify the report and/or to provide additional information. A refusal by the applicant to sign the transcript of the interview is certified by the signatures of two witnesses. The reasons for such refusal are noted in the transcript, pursuant to Article 63a (10) of the Law on Asylum and Refugees.

Article 49 of the Internal rules for conducting the procedure for granting international protection provide for the audio or audiovisual recording during the interview. After completing the interview recording, the interviewer must transfer the recording from the recording device to a pre-defined folder and directory on his/her work computer. The audio or video recording is transmitted on a digital medium (CD/DVD), which is stored in the personal file of the foreign national. The rules provide that all interview files are stored on the interviewer's computer one year after the conclusion of the foreign national's proceedings by a final decision. In addition, the record of the interview shall be filed with the registry of the relevant territorial unit on the day on which it was conducted and applied in the personal case of the applicant.

Postponing the personal interview

There is the possibility to postpone the personal interview when the applicant provides serious reasons for it, such as: justified medical grounds, unavailability

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of the legal counsel, unavailability of the legal guardian of an unaccompanied minor and other valid grounds depending on the personal circumstances.

Failure to appear

The State Agency for Refugees interprets the failure to appear as implicit withdrawal of the application and uses it as grounds to suspend and, subsequently, terminate the procedure – pursuant to Article 15 (1) item 2 of the Law on Asylum and Refugees.

Other aspects

Further interviews are usually conducted by the State Agency for Refugees if there are contradictions in the statements or if some facts need to be clarified, pursuant to Article 63a (5) of the Law on Asylum and Refugees.

Special asylum procedures at first instance

Admissibility procedure

The admissibility procedure is provided under Article 15 of the Law on Asylum and Refugees.

The admissibility procedure is not part of the accelerated procedure, but in the hypotheses 1-5 below, the decision maker can opt to proceed and refuse the applicant under the regular if sufficient evidence has been gathered to consider the application as manifestly unfounded (pursuant to Article 15 (2) of the LAR).

The examination can result in finding the asylum application inadmissible, where the applicant:

- Following a proper invitation the applicant does not appear for an interview and, in 30 days thereof, does not present any objective reasons for his omission;
- The applicant failed twice to be found at the permitted address of residence or at another address indicated by him/her;
- The applicant changes the address of residence without notifying the State Agency for Refugees and within 30 days does not indicate any objective reasons for doing that

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- The applicant refuses on three or more occasions to cooperate the staff of the State Agency for Refugees to clarify the circumstances related to his application;
- The applicant withdraws his application for international protection;
- Has been granted international protection in another EU Member State;
- The applicants is granted asylum by the President of the Republic;
- The applicants has deceased;
- The applicants is issued a decision Article 67c (1), item 1, which allows his transfer to another EU Member State.

In the situations provided under 1-5, the decision maker can opt to proceed and refuse the application under the regular procedure if sufficient evidence has been gathered to consider the application as manifestly unfounded.

Subsequent applications are first examined under the admissibility procedure, pursuant to Article 13 (2) in conjunction with Article 76a of the LAR, prior to the examination of the merits.

Competent authority and other stakeholders

The State Agency for Refugees (SAR) Държавна агенция за бежанците (ДАБ) is competent to decide on admissibility of an application for international protection.

Procedural aspects

The rules for personal interview for admissibility procedure are the same as for the regular procedure. All asylum applicants are interviewed at least once in order to determine their eligibility for refugee or subsidiary protection ("humanitarian status"). Further interviews are usually only conducted if there are contradictions in the statements or if some facts need to be clarified, pursuant to Article 63a (5) of the Law on Asylum and Refugees. The interview is required to be held in a language the applicant has requested, and when this is not possible – in a language the applicant understands, as required under Article 63a (8) of the Law on Asylum and Refugees.

During the interview, the applicant shall be given the opportunity to give explanations, related to incompleteness, inconsistencies or contradictions in his statements, as provided under Article 63a (4) of the Law on Asylum and Refugees . The applicant has the obligation to present all evidence to support his/her application, failure to which the decision will be made without such evidence –

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see Article 63a (2) of the Law on Asylum and Refugees.

Subsequent applications are first examined under the admissibility procedure, pursuant to Article 13 (2) in conjunction with Article 76a of the Law on Asylum and Refugees, prior to the examination of the merits.

Decision and time limits to decide

The application processed under this procedure is either rejected as inadmissible or allowed and analysed on merits under the regular procedure.

Appeal

The SAR decision on admissibility can be appealed, according to Article 84 (4) of the Law on Asylum and Refugees within 7 days of its delivery to the administrative court at the third country national's permanent address. The appeal must be submitted to SAR and has automatic suspensive effect – see Article 84 (5) of the LAR. The procedure and the safeguards (legal assistance, interpretation) are identical as for the regular procedure for appeals in asylum cases.

The time limit for deciding on appeal is 1 month from the initiation of the case, which is within 3 days from the receipt of the appeal – see Article 85(1) of the Law on Asylum and Refugees. The judgment of the administrative court is final and is not subject to a cassation appeal before the Supreme Administrative Court, pursuant to Article 84 of the LAR.

Impact on reception conditions

The Law on Asylum and Refugees does not mention an impact on reception conditions when applying the admissibility procedure, except for subsequent applications as provided under Article 76c of the Law on Asylum and Refugees (LAR).

While they are under the procedure for admissibility for subsequent applications, applicants do not enjoy the rights under Article 29 of the LAR for international protection seekers (housing, etc). Should their application be considered as admissible and new procedure begins, the applicants can benefit from all rights under Article 29 with the exception of accommodation. However, this does not apply to vulnerable applicants who are eligible for all rights under the LAR.

Accelerated procedure

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Legal basis and grounds

The legal basis and grounds for the accelerated procedure are provided under Article 13 (1) of the Law on Asylum and Refugees, as follows: the application can be rejected as manifestly unfounded when:

1. refers to grounds outside the scope of the law,

2. does not contain of well-founded fear of persecution;

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

4. the application is manifestly implausible, as the facts alleged by it are inconsistent, contradictory or completely implausible;

5. the applicant presents a false identity or uses a false, forged document or a document with false content, which he continues to claim to be genuine during the proceedings;

6. intentionally, orally or in writing, provides false or conceals material information regarding his/her case;

7. intentionally destroys, damages or disposes of a passport, other document or ticket that is relevant to his/her claim in order to present himself/herself under a false identity or to hinder the examination of the application;

8. has not presented information that would allow his identity or citizenship to be established with sufficient certainty;

9. refuses to fulfil the obligation to provide fingerprints;

10. has entered the country and resides in accordance with the statutory procedure and within a reasonable time from entry has not declared to a competent authority that he seeks protection, except in cases where the delay is due to reasons beyond his control;

11. has entered the country not in accordance with the statutory procedure and has not immediately declared to a competent authority his wish to receive protection, unless reasons beyond his control have prevented him from doing so;

12. comes from a safe country of origin;

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13. comes from a safe third country, provided that s/he will be admitted to it; the ground cannot be applied solely unless a. there is a connection between the applicant and the third country concerned on the basis of which it would be reasonable for that person to go to that country and, a case-by-case consideration is implemented of the safety of the country for a particular applicant; and,

b. the applicant is provided with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance,

14. despite having had sufficient time and possibilities, the applicant applies solely files his/her application solely to frustrate the execution of the imposed compulsory administrative measure "revoking of the right to stay in the Republic of Bulgaria", "return" or "expulsion".

Competent authority and other stakeholders

The State Agency for Refugees (SAR) Държавна агенция за бежанците (ДАБ) is competent to apply the accelerated procedure.

Procedural aspects

The casework shall decide within 14 working days from the registration date if there are grounds to apply the accelerated procedure, pursuant to Article 70 (1) of the Law on Asylum and Refugees. If no decision is taken, the application has to be examined under the regular procedure. The accelerated procedure is designed to examine the credibility of the asylum application, but also the likelihood of the application being fraudulent or manifestly unfounded.

The accelerated procedure is not applicable to unaccompanied minors or underage children as provided by Article 71 (1) of the Law on Asylum and Refugees.

On the personal interview, the questions asked during interviews in the accelerated procedure aim at establishing facts relating to the individual story of the applicant, but to a lesser extent of details compared to interviews conducted during the regular procedure. Facts such as travel routes, identity and nationality are in principle exhaustively addressed prior to the accelerated procedure at the stages of registration and/or the Dublin procedure.

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The accelerated procedure cannot be applied for a third country national who was granted temporary protection, pursuant to Article 71 (2) of the Law on Asylum and Refugees.

A list with designated safe countries of origin and a list of designated safe third was adopted by the Council of Ministers Decision № 247/03.04.2024.

Decision and time limits to decide

The decision must be taken within 14 working days from applicants' formal registration by the SAR. If the decision is not taken within this deadline, then the application has to be examined fully following the rules and criteria of the regular procedure -see Article 70 (1) of the Law on Asylum and Refugees.

Appeal

In the accelerated procedure, there is only one judicial appeal possible, compared to the regular procedure where there are two appeal instances. The court competent to review first instance decisions in the accelerated procedure is the Administrative Court of the county where the applicant resides. Asylum seekers have to be summoned for a public hearing and in practice are asked to shortly summarise their reasons for fleeing their country of origin and seek protection elsewhere. The time limit to appeal is 7 calendar days (excluding public holidays) after notification of the negative decision – pursuant to Article 84(2) of the Law on Asylum and Refugees.

The court has the obligation to ascertain whether the assessment of the credibility or the manifestly unfounded character of the claim is correct in view of the facts, evidence and legal provisions applicable. Asylum applicants have to be summoned for a public hearing and in practice are asked to shortly summarise their reasons for fleeing their country of origin and seek protection elsewhere. There is automatic suspensive effect is related to the removal of the applicant, see Article 84(5) of the Law on Asylum and Refugees).

The time limit for deciding on appeal is 1 month from the initiation of the case, which is within 3 days from the receipt of the appeal – see Article 85(1) of the Law on Asylum and Refugees. The judgment of the administrative court is final and is not subject to a cassation appeal before the Supreme Administrative Court, pursuant to Article 84 of the LAR.

The procedure and the safeguards (legal assistance, interpretation) are identical as for the regular procedure for appeals in asylum cases.

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Impact on reception conditions

The Law on Asylum and Refugees does not mention an impact on reception conditions when applying the accelerated procedure.

Reception conditions are not restricted after an appeal has been lodged. In line with LAR, until there is a final decision (confirmed by the court if an appeal has been lodged) the applicant can benefit from all rights under the LAR.

Border procedure

Legal basis and grounds

Border procedures are not applicable in Bulgaria.

If an application for international protection is submitted at the border or before another state body different than the State Agency for Refugees (SAR), which is the competent authority to register it (see Access to procedures Bulgaria), the application should be sent to SAR no later than 6 days and the applicant is taken to one of the reception centres for formal registration (just like any other individual applying for international protection in Bulgaria).

Competent authority and other stakeholders

Border procedures are not applicable in Bulgaria.

Procedural aspects

Border procedures are not applicable in Bulgaria.

Decision and time limits to decide

Border procedures are not applicable in Bulgaria

Appeal

Border procedures are not applicable in Bulgaria

Impact on reception conditions

Border procedures are not applicable in Bulgaria

Subsequent application procedure

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Legal basis and grounds

The subsequent application procedure is governed by Articles 76a to 76c of the Law on Asylum and Refugees and Article 76d in conjunction with Article 13 (2)(4) of the LAR.

Article 13 (2) of the Law on Asylum and Refugees provides that a subsequent application for international protection where the foreigner does not refer to any new circumstances of substantial importance for his personal situation or regarding his country of origin shall be assessed in accordance with the procedure set out in Chapter Six, Section III (special procedure for subsequent applications).

Competent authority and other stakeholders

The State Agency for Refugees (SAR) Държавна агенция за бежанците (ДАБ) is competent to process subsequent applications.

Procedural aspects

Subsequent applications are assessed on inadmissible grounds solely based on written submissions without a personal interview – see Article 76b (1) of the Law on Asylum and Refugees.

In case the subsequent application is not examined, the applicant has no longer the right to remain when the first subsequent application is considered to be submitted merely in order to delay or frustrate the enforcement of a removal decision; or where it concerns another subsequent application, following a final inadmissibility / unfounded decision considering a first subsequent application.

Decision and time limits to decide

Pursuant to Article 76b of the Law on Asylum and Refugees , within 14 working days from the submission of the subsequent application for international protection, the interviewing authority will solely on the basis of written evidence presented by the applicant and without conducting a personal interview, make a decision by which it:

1. admits the subsequent application to proceedings for granting international protection;

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2. does not allow the subsequent application to proceed to the granting of international protection.

If no decision is taken within the 14 days deadline, the subsequent application for international protection is considered admitted to proceedings for granting international protection.

Appeal

If the subsequent application is declared inadmissible, this decision can be appealed within a deadline of 7 days, pursuant to Articles 84(1) and 76b(1) item 2 of the Law on Asylum and Refugees.

The appeal does not have automatic suspensive effect, as in such a case, the court will rule on a request to remain on the territory lodged by the applicant or ex officio (Article 84(5) and (6) of the LAR. The competent court is the Regional Administrative court where the applicant's permanent address is (which hears the appeal case in one instance only. According to Article 84 (1) and (6) the of the LAR, the court has to decide at the request of the foreigner or ex officio regarding the right of the asylum seeker to remain on the territory of the country until ruling on the appeal.

If the court rules the admission of the subsequent application, the SAR has to register the applicant within 3 working days from the admission date.

The time limit for deciding is 1 month from the initiation of the case, which is within 3 days from the receipt of the appeal – see Article 85(1) of the Law on Asylum and Refugees.

The procedure and the safeguards (legal assistance, interpretation) are identical as for the regular procedure for appeals in asylum cases.

Impact on reception conditions

The following limitation on reception conditions are provided under Art. 76c of the LAR for subsequent applicants:

- applicant who submit a subsequent application enjoy the rights under Art. 23 (1) of the LAR (assistance from UNHCR and civil society organisations), Art. 29 (1), item 8 (assistance of a translator or interpreter) and Article 29a of the LAR (access to files).
- the right to remain (as provided under Article 29 (1), item 1 of the LAR shall not be granted to a foreigner when: a) s/he files a first subsequent

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application for international protection solely for the purpose of delaying or hindering the implementation of the coercive administrative measure applied to him "revocation of the right to reside in the Republic of Bulgaria", "return" or "expulsion", or b) submits a subsequent application for international protection, and his/her previous subsequent application has been deemed inadmissible pursuant to the procedure of Art. 76b (1), item 2 or has been examined on the merits, and for whom return to his/her country of origin or to a safe third country would not result in a threat to his/her life or freedom on grounds of race, religion, nationality, political opinion or membership of a particular social group or exposure to the risk of torture or other forms of cruel, inhuman or degrading treatment or punishment.

- the rights under Article 29 (1), items 3 – 7 of the LAR (accommodation and food, social assistance, health insurance, psychological assistance, the right to receive a registration card).

Last-minute application pending removal

Last-minute applications lodged by first time applicants pending a removal

Last minute applications can occur in detention and if there are basis for it, the applicant can be detained while his application is examined (if it is a first application and not in the context of admissibility (subsequent application). The applicant is channeled to the regular procedure; no special order or provisions are applied in this case.

Last-minute applications lodged as subsequent applications pending a removal

Every application for international protection can be done before any State authority at any time and the application is sent immediately to the State Agency for Refugees. The application is processed under the accelerated procedure for examination of subsequent applications established in the Law on Asylum and Refugees.

Within 14 working days of the subsequent application for international protection, the case officer, only with reference to written evidence presented by the applicant, without a personal interview, takes a decision to admit or reject a subsequent application for examination on the merits. In this period of 14 working days, the applicant has the status of migrant and is not granted the

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rights for seekers of international protection. In case the subsequent application is rejected, this decision may be appealed before the court of first instance and the appeal suspends execution of the decision. In these appeal proceedings, the court may by request of the applicant or ex-officio decide whether the applicant has a right to remain in the country until a final decision is taken.

Safe country concept

Safe country of origin

The Law on Refugees and Asylum provides under Article 98 the possibility to adopt a safe third country list and a safe country of origin list. According to Article 98 of the LAR, the State Agency for Refugees (SAR) in coordination with the Ministry of Foreign Affairs may propose to the Government national lists of safe countries of origin and third safe countries which are considered to establish a rebuttable presumption. Meanwhile, the authority to adopt it lies with the Council of Ministers. This concept is applied within an accelerated procedure.

An updated list of safe countries of origin adopted with Council of Ministers Decision № 247/03.04.2024:

1. Albania
2. Algeria
3. Armenia
4. Azerbaijan
5. Bangladesh
6. Bosnia and Herzegovina
7. Cuba
8. Georgia
9. Ghana
10. India (Bhārat)
11. Jordan
12. Kazakhstan
13. Kosovo
14. Montenegro
15. Morocco
16. North Macedonia

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17. Pakistan
18. Senegal
19. Serbia
20. Tanzania
21. Tunisia
22. Türkiye

When approving the lists, the government must consider information from other Member States, the EUAA, UNHCR, the Council of Europe and other international organisations in order to take into account the degree of protection against persecution and ill treatment ensured by the relevant state by means of:

- The respective laws and regulations adopted in this field and the way they are enforced;
- The observance of the rights and freedoms laid down in the ECHR or the International Covenant on Civil and Political Rights, or the Convention against Torture;
- The observance of the non-refoulement principle in accordance with the Refugee Convention; and
- The existence of a system of effective remedies against violations of these rights and freedoms.

Safe third country

The Law on Refugees and Asylum provides under Article 98 the possibility to adopt a safe third country list and safe country of origin list. According to Chapter 9 of the LAR, the State Agency for Refugees (SAR), in coordination with the Ministry of Foreign Affairs, may propose to the government national lists of safe countries of origin and third safe countries which are considered to establish a rebuttable presumption. This concept is applied in practice within an accelerated procedure.

Article 99 of the Law on Refugees and Asylum stipulates that the presumption under Article 98 can be rebutted by the applicant.

An updated list of third safe countries of origin was adopted by the Council of Ministers on 3 April 2024 by Decision № 247/03.04.2024:

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- Bangladesh
- Iran
- Türkiye

The amendment to the Law on Asylum and Refugees in 2020 refined the definition of the safe third country concept and added legal guarantees when applying the concept: the authorities must examine whether there is a link between the applicant and the safe third country by carrying out an individual security check.

Where the safe third country concept is applicable, asylum applications are dismissed as manifestly unfounded under the accelerated procedure, provided the applicant would be admitted to the respective country and a document in the respective language, stating that the application was not considered on its merits, is handed to the applicant, pursuant to Article 13(4) of the Law on Refugees and Asylum.

The LAR repeats the recast APD criteria and added as other criteria the possibility for the applicant to legally entry and stay in the safe third country – see Article 1(9), Additional Provision of the Law on Refugees and Asylum.

However, if the third-country national would not be admitted to the respective safe third country, the Bulgarian authorities must provide access to the asylum procedure – pursuant to Article 13(5) of the LAR.

First country of asylum

The concept of a first country of asylum is included in Article 15(6) of the Law on Refugees and Asylum. However, it has not been applied in practice.

European safe third country

The concept of a European safe third country is not defined in law and not applied in practice.

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Assessment of an application at first instance

Legal provisions relevant for an assessment

The Law on Refugees and Asylum governs the assessment of an application at first instance. Pursuant to Article 73, applications for international protection shall be examined by the State Agency for Refugees individually, objectively and impartially, with an assessment of the granting of refugee status first being made. If refugee status is not granted, the need for granting humanitarian status shall be considered.

Article 74 of the LAR provides that, within 4 months from the initiation of the proceedings for granting international protection, the interviewing authority shall objectively and impartially prepare an opinion, which, together with the personal file, shall be submitted to the Chairperson of the State Agency for Refugees for decision-making.

Competent authority for the assessment

The Chairperson of the State Agency for Refugees for decision-making is competent and responsible for the assessment.

Article 7 of the Civil Servant Act provides for the conditions for applying for civil servant posts.

For general information on the national authority or other actors responsible/involved to carry out the first instance assessment and determination, internal organisation, structure and staff. see: Hyperlink to Overview of first instance procedures. Competent authorities and other stakeholders page of this template (Page 1, Section 2).

The majority of caseworkers have more than 3 years of experience, as required qualifications.

Since 2013 and due to sudden influx of migration flows, training was carried out in cooperation with UNHCR for the status determination activities and concentrated mainly on newly recruited staff using core EUAA training modules on inclusion, interview techniques and evidence assessment. In 2019, training offered by UNHCR to the SAR’s caseworkers covered a range of topics, including

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access to territory and to the procedure, sexual orientation, gender and converts as well as the identification of Dublin cases.

In 2023, SAR employees conducted training on identification of vulnerable applicants, especially trafficking in human beings' victims and assessments of the best interests of the child. The SAR announced the extension of the project 'Increasing the administrative capacity of the competent authorities in the field of asylum and migration'; from August 2023 to August 2024. The project envisages training seminars with the participation of representatives of the judiciary, SAR employees at the Ministry of Justice, NGOs, partners, institutions and organizations working in the field of providing international protection and working with vulnerable groups.

The training seminars covered the following topics:

- Types of protection under the LAR;
- Grounds for granting protection, for refusing and for withdrawing protection;
- Measures applied to foreigners seeking international protection;
- Training seminar on 'Main countries of origin';. The training covered all topics and questions necessary to acquire the necessary knowledge about the given country of origin.
- Training seminar on the modules of the EUAA 'Assessment of evidence in the procedure for international protection'; and 'Interviewing techniques".

The SAR report on the conduct of the procedure for international protection in 2024 and the SAR report on its activities in 2024 provide information on training offered to SAR officers.

Grounds

The grounds for protection are outlined in the Law on Refugees and Asylum, Articles 8 (refugee status) and 9 (subsidiary protection). To be eligible for refugee status, an applicant must demonstrate that there must be a connection between the reasons for persecution and the acts of persecution or the absence of protection.

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Acts of persecution are defined in the Law on Refugees and Asylum, Article 8 (4) as a violation of fundamental human rights or a set of actions that lead to a violation of fundamental human rights, sufficiently serious in their nature or repetition.

The following are examples of acts which may amount to acts of persecution for the purposes of subsection according to Article 8 (5):

- physical or psychological violence, including sexual violence;
- legal, administrative, police or judicial measures which are discriminatory in themselves or are applied in a discriminatory manner;
- criminal prosecution or penalties that are disproportionate or discriminatory;
- denial of judicial protection, which results in disproportionate or discriminatory punishment;
- criminal prosecution or penalties for refusal to perform military service in the event of military operations, where military service would involve the commission of a crime or an act under Article 12, paragraph 1, items 1 - 3;
- actions directed against persons because of their gender or against children.

Article 9 of the Law on Refugees and Asylum prescribes the eligibility criteria for being granted humanitarian protection (subsidiary protection), in transposition of the recast Qualification Directive.

Guidelines for case officers

Internal guidelines provide an extensive description of each procedural step and activity to be undertaken by all SAR staff involved in processing applications for international protection (e.g. registrars, social workers, caseworkers, officials of the legal department etc.).

They do not regulate, however, how to conduct interviews. These guidelines are not made public but, if requested, they are usually shared with UNHCR and/or civil society organisations providing legal assistance.

In order to standardise the practice of the SAR's territorial units, guidelines have been developed relating to: conducting the procedure for granting international protection in the case of applications for international protection made by family members; interview children aged 10 or over (hearing within the meaning of the

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Child Protection Act); effective control of the procedure for granting international protection; application of the situation of a safe third country within the meaning of Paragraph 1 (9) of the Additional Provisions of the LAR in the event of a refusal to grant international protection; initiation of proceedings for the termination or withdrawal of international protection on the basis of Article 78 of the Law on Refugees and Asylum.

The SAR report on the conduct of the procedure for international protection in 2024 provides information on the type of guidelines issued for specific topics. EUAA guides are extensively used.

The SAR has also publicly available information on:

- Instructions on the terms and conditions for age assessment,
- Internal rules for conducting the procedure for granting international protection.

Credibility assessment

According to Article 63a (2) of the Law on Refugees and Asylum, the applicant has to provide all evidence supporting their application for international protection prior to pronouncing thereon; in case of failure, the pronouncing shall take place without those evidences.

Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence

Article 75 (2) of the Law on Refugees and Asylum stipulates that, when deciding on the application for international protection, all relevant facts, declarations or documents related to the personal situation of the applicant, his/her country of origin or the possibility of benefiting from the protection of another country whose citizenship he/she could acquire shall be assessed, including whether the applicant has exercised activities the sole purpose of which is to obtain international protection. Failure to appear for an interview shall be taken into account when deciding on the application, unless the foreigner has objective obstacles to this.

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Also, when the applicant's allegations are not supported by evidence, they shall be considered credible if he has made efforts to substantiate his application, has given a satisfactory explanation for the lack of evidence and his statements have been assessed as consistent and credible. The lack of sufficient evidence of persecution, including due to failure to conduct an interview under Art. 63a (7), cannot be a ground for refusal to grant international protection.

Pursuant to the Law on Refugees and Asylum, an application for international protection is rejected as manifestly unfounded when the conditions are not met and the applicant deliberately – verbally or in writing – gives false or conceals essential information about the case.

Also, Article 61a (6) and (7) of the Law on Refugees and Asylum provides that the interviewing authority, when examining the application for international protection can request:

- the opinion of an expert on certain issues related to medical, psychological, cultural or religious aspects, children or gender.
- a medical examination of the foreigner with his consent in connection with traces that may be of past persecution or serious assaults. The refusal of the foreigner to undergo a medical examination shall not be an obstacle to making a decision. The medical examination may also be carried out on the initiative of the foreigner and at his expense.

Time limit for submitting evidence during credibility

Pursuant to Article 63a (2) of the Law on Refugees and Asylum, the foreigner is obliged to present all evidence in support of his application for international protection until the decision on it is made. A failure to present evidence does not prevent the authority to make a decision without this evidence.

Also, Article 74 (3) of the LAR stipulates that: *'when the applicant's allegations are not supported by evidence, they shall be considered credible if he has made efforts to substantiate his application, has given a satisfactory explanation for the lack of evidence and his statements have been assessed as consistent and credible. The lack of sufficient evidence of persecution, including due to failure to conduct an interview under Art. 63a (7), cannot be a ground for refusal to grant international protection.'*

COI research

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In February 2014 a new 'Information and Analysis' Department within the 'International Affairs'; Directorate at the State Agency for Refugees was established under the recommendation of the EUAA. There are 4 COI experts in this department who are responsible for preparing information on countries of origin. Their activity is managed by a head of the department. The information compiled includes answers to specific questions about the countries of origin requested by the case workers and legal advisers in the State Agency for Refugees. If necessary, the COI experts also prepare analytical reports for internal use in connection with early warning about countries, the large influx of expected asylum seekers or an unstable security situation.

When preparing the information on countries of origin the commonly used sources are the portals Ecoi.net, Refworld and the EUAA COI Portal as well as media sources such as BBC News, CNN International, All Africa.

The information on countries of origin is stored in the Information Database 'Resource Centre for the countries of origin';, which is accessible to all case workers and legal advisers. Usually, the information about a specific country is updated when a new request by the case workers and legal advisers is received.

SAR officers receive continuous training, and updated information is available in SAR reports: i) on activities of the Agency (see 2024) and ii) on the international protection procedure (see 2024).

Decision and outcomes

Types of decisions: As an outcome of the asylum procedure, an applicant can be issued one of the following types of decision:

- reject the application under accelerated procedure as unfounded (Article 70 of the Law on Refugees and Asylum)
- provide refugee status
- reject the application for refugee status
- provide humanitarian protection (subsidiary protection)
- reject the application for humanitarian status. (Article 75 (1) Law on Refugees and Asylum).

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The decision is in written form and contains a summary with an indication of the grounds.

According to Article 76 of the Law on Refugees and Asylum, the decision shall be presented personally to the third country national or to his legal representative or lawyer within 14 days from its issuance. If the decision is not communicated personally, the announcement shall be done by return mail and in case of failure to appear within 7 days from the receipt of the notification by return mail, the decision shall be considered presented. The content of the decision, including the rights and obligations, shall be presented to the applicant in a language he understands. The presentation of the decision shall be certified by the signature of the person and of the translator/interpreter and of the SAR official. In case of refusal to sign, it shall be certified by the signature of two witnesses. If the notification is being returned for impossibility of delivery, the decision shall be considered presented. The applicant has the right to study his/her file after the decision is considered as served.

Articles 107 -115 of Internal rules for conducting the procedure for granting international protection provide details on procedure for notification of decisions to applicants.

Data: Statistical and other data are provided in SAR reports: i) on activities of the Agency (see 2024) and ii) on the international protection procedure (see 2024).

Minors and unaccompanied minors: Article 108 (4-6) of the Internal rules for conducting the procedure for granting international protection provide the following safeguards for unaccompanied minors:

The decision of an unaccompanied minor is served in the presence of his/her legal representative, who certifies with his/her signature the service of the decision.

the decision of an unaccompanied minor terminating the procedure for granting international protection under Article 15(1)(1), (2), (3) and (4) of the LAR must be notified pursuant to Article 76 of the , and the appointed representative must be notified by the official e-mail address.

The age of the unaccompanied child shall be assessed at the date of service of the decision.

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COI units

Background information

The COI Unit was established in 2014 in the Information and Analysis Department, as per EUAA's recommendation. It was dissolved almost immediately (September 2015), because of internal restructuring of SAR frameworks. Currently, it is a section within the International Affairs Directorate at the State Agency for Refugees (SAR) and is comprised of 3 COI experts. The legal basis is the SAR's Organisational Regulations, pursuant to which the International Affairs Department collects, maintains and updates a database on countries of origin and safe third countries, which includes general geographical, political, economic and cultural information, as well as information on the legal framework and respect for human rights.

Structure and capacity

The COI Unit is a section within the International Affairs Directorate at the State Agency for Refugees (SAR). Its primary mandate is to prepare information on countries of origin and Its activity is directly managed by the Head of International Affairs Directorate. Currently, the Unit is comprised of the Head of the International Affairs Directorate and 2 3 COI experts.

Specialists in the COI section are required to have at least a bachelor's degree in one of the following areas:

- International Relations;
- International and/or National Security;
- Modern and/or Contemporary History.

They should possess a level of at least B2 (speaking) and C1 (reading and understanding) in English.

In recent years it has been established practice to implement regular working meetings between COI experts and SAR's caseworkers as well as between COI experts and lawyers and judges, engaged in migrant cases. These workshops have proven to be effective in two ways:

- They have improved the interaction between experts

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- They have improved the quality of the information, produced in line with the requests submitted.

COI experts undergo internal training at regular intervals. In 2012, a digital platform, “Country of Origin Resource Centre”, was set up with the support of the European Refugee Fund. This platform is non-functional since April 2022, due to major hacker attack, affected several state institutions.

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COI products

The COI reports produced in 2022 were 241 (14.22 % increase compared to 2021), of which 117 for the court and 124 at the request of case officers and other institutions. There were 29 consulted countries, with Top 5 consulted countries remaining Iraq, Afghanistan, Syria, Iran and Pakistan. The main change during 2023 is the inclusion of Russia in Top 5 Countries of Origin.

According to the Report on the activities of the SAR at the Council of Ministers for 2024, the COI unit drafted in 2024 a total of 257 outputs, with 122 for the court, 116 at the request of interviewing authorities, 3 for the administration of the President, 15 for the Haskovo Regional Directorate of the Interior and 1 at the request of the State Agency for National Security (SANS). Correspondingly, for the same period of 2023, there were 290, of which 147 for the court, 119 at the request of interviewing authorities, 7 for the Presidential Administration and 17 for the Haskovo Regional Directorate of the Interior. The top five countries reported include Syria, Iraq, Russia, Afghanistan and Turkey, while Iran remains in sixth place. In 2024, there was a steady trend in the number of requests for Palestine (Gaza Strip) and Lebanon, while requests for the four North African countries (Morocco, Algeria, Tunisia and Egypt) remained constant.

When a COI expert prepares a country-of-origin information, the most commonly used sources are the portals Ecoi.net, RefWorld, ReliefWeb and the EUAA COI Portal. Other sources that are also used include media such as BBC News, CNN International, All Africa and many others.

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The sources consulted are mainly in English, German, Spanish and Russian. The final COI reports are produced in Bulgarian.

All COI products undergo a quality check prior to publication/dissemination conducted by the Head of the International Affairs Directorate.

Other aspects of COI units

Information is currently not available.

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