

Applicants with special needs - Bulgaria | DIP EUAA

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Overview

Relevant EU legislation

Bulgaria is bound by the recast Asylum Procedures Directive has transposed its provisions through the Law on Asylum and Refugees ЗАКОН ЗА УБЕЖИЩЕТО И БЕЖАНЦИТЕ, and [subsequent amendments](#)

Bulgaria is bound by the recast Reception Conditions Directive has transposed its provisions through the Law on Asylum and Refugees ЗАКОН ЗА УБЕЖИЩЕТО И БЕЖАНЦИТЕ, and [subsequent amendments](#)

National legislation

The Law on Asylum and Refugees LAR, ЗАКОН ЗА УБЕЖИЩЕТО И БЕЖАНЦИТЕ, and [subsequent amendments](#)

The Law on Foreigners in the Republic of Bulgaria, ЗАКОН ЗА ЧУЖДЕНЦИТЕ В РЕПУБЛИКА БЪЛГАРИЯ, and [subsequent amendments](#)

Competent authority and other stakeholders

The State Agency for Refugees (SAR) under the Council of Ministers | [Държавна агенция за бежанците при Министерския съвет](#)

National Legal Aid Bureau (NLAB)

State Agency for Child Protection

Training initiatives

According to the [Annual Report on the activities of SAR under the Council of Ministers 2023](#), the State Agency for Refugee's officers participated in a large number of trainings and workshops organised by EUAA, and other organisations with focus on unaccompanied minors and applicants with special needs. Also, trainings continued in 2024, as reported in the [Annual Report on the activities of SAR under the Council of Ministers 2024](#).

In the context of the opening of the "Safe Zone" for unaccompanied children in the reception centre for refugees in the city of Harmanli, the State Agency for Refugees (SAR), under the Council of Ministers and UNICEF, [organised](#) on 16 May 2024 a workshop for experts working with unaccompanied minors or separated refugee children seeking or receiving international protection.

According to the Article 16 item 6 of the Administrative Regulation of the SAR under the Council of Ministers, SAR case officers who conduct the interviews are subject to mandatory yearly training on identification of vulnerable applicants. Half of the case

workers have received specialised training on working with vulnerable groups, including the EASO/EUAA modules on interviewing vulnerable applicants. Also, social experts and staff working in reception, accommodation and registration receive additional training. Only case workers who have received [specialised training](#) can work with vulnerable groups. The case workers allowed to work with vulnerable groups are pointed out in an order of the Chairperson of SAR.

SAR in Bulgaria signed a framework agreement with the NGO Foundation A21 which will enable joint activities to implement campaigns, projects, training and other activities related to the [identification of human trafficking victims](#).

In September 2024, the Foundation on Access to Rights presented a [Practitioner's Guide to Ensuring the Rights of Unaccompanied and Separated Children through the EU Charter of Fundamental Rights](#). The handbook was developed within the framework of the SUN project: Ensuring the rights guaranteed by the EU Charter of Fundamental Rights to unaccompanied and separated refugee children by PHAR and project partners: ARSIS, Greece; Tdh, Romania; NIDOS, The Netherlands; Sirius Network (an international network based in Belgium); Volontarius, Italy and CCAR, Spain. The project is financed by the "Citizens, Equality, Rights and Values" Program of the EC.

Special needs in reception

Identification of special needs

Additional Provision 1(16) of the [Law on Asylum and Refugees](#) provides a definition of vulnerability as follows: “applicant in need of special procedural guarantees” means an applicant from a vulnerable group who needs special guarantees to be able to benefit from the rights and comply with the obligations provided for in the law. Additional provision 17 stipulates the definition of applicants with special needs and includes the following: *“minors, unaccompanied minors, people with disabilities, the elderly, pregnant women, single parents with minor children, victims of human*

trafficking, persons with serious health problems, persons with mental disorders and persons who have suffered torture, rape or other serious forms of mental, physical or sexual violence.”

Article 29 (4) of the [Law on Asylum and Refugees](#) provides that the medical examination conducted upon entering a reception facility shall determine whether the applicant belongs to a vulnerable group. Paragraph 5 stipulates that the medical examination shall be carried out in health offices at the territorial divisions. The activities of the health offices may be carried out by a doctor, a nurse or a physician's assistant. Pursuant to Article 47 (2), the State Agency for Refugees is coordinating the reception centers which are responsible also for the medical examination for applicants.

According to Article 30a of the [Law on Asylum and Refugees](#), the State Agency for Refugees' staff are obliged to take into consideration the specific situation and the special needs of foreigners belonging to a vulnerable group at each stage of the asylum procedure. Any information on vulnerabilities is noted in the case file and social support is provided, including medical and psychological help. A questionnaire is used for early identification of applicants who have gone through traumatic experiences. Psychological consultations and interviews are conducted to draft an assessment of special needs. SAR's internal rules provide there are arrangements in place ensuring the identification of the applicant's potential belonging to a vulnerable group. According to Article 29 (2) of the SAR internal, experts from the Social Activities and Adaptation Directorate shall attend the initial medical screening with the aim to establish if the applicant belongs to a vulnerable group and if he/she has special needs, and the findings there shall be attached to the registration form, pursuant to Article 30a of the LAR.

Belonging to a vulnerable group can also be established by State Agency for Refugees' staff on the basis of data gathered during the applicant's registration, pursuant to Article 61 (1) of Law on Asylum and Refugees, though the age assessment as provided under Article 61a (2,3), when there may be traces of past persecution and a medical examination is requested, with consent of the applicant, pursuant to Article 61a (7) of the [Law on Asylum and Refugees](#)), as well as via any

other valid actions, evidence or means of evidence laid down in the [Law on Asylum and Refugees](#) or the Administrative Code of Procedure. When belonging to another vulnerable group has been identified and if the applicant expresses their wish, the responsible official from SAR will immediately draft and send an information note to the director of the relevant territorial unit where the applicant is accommodated.

Unaccompanied minors and accompanied minors arriving in Bulgaria are appointed a leading social expert to assist and support in identifying their needs. In the cases of unaccompanied minors, the social expert works in a coordinated manner and communicates with the legal representative appointed by the National Legal Aid Bureau (NLAB) as provided by the Article 25 of the Law on Asylum and Refugees and the social worker appointed by the Department of Child Protection and International Organisation for Migration representatives in the safe areas.

For early identification of applicants with special needs, SAR and UNHCR agreed on standard operating procedures (SOPs) to be followed with respect to treatment of victims of Sexual and Gender-based Violence (SGBV). Vulnerability assessment is conducted by means of group inquiries prior the applicants' registration.

Referral of applicants with special needs

In conformity with Article 29 (2) of State Agency for Refugees' Internal Rules, during registration a social expert shall establish if the applicant belongs to a vulnerable group and if he/she has special needs. In case an applicant is found to be vulnerable or with special needs, the social expert shall identify and assess his/her needs, and, in necessary, shall draw up an individual support plan.

In order to identify and assess the needs of unaccompanied children and accompanied children at risk, social workers fill in well-established forms for best interests' assessment and full assessment, based on guidance on risk assessment. These forms contain support measures and a referral plan for medical services, specialised psychological support, legal services, family tracing, reconnecting with the family, alternative care, education, material support, etc. A

personalised approach is envisaged and for this purpose social interviews, counselling and thematic information sessions take place. Where necessary, for individual cases of children, an additional support plan shall be drawn up using an approved form.

For accompanied minors, a social expert for each family is designated. The social expert is responsible for taking care of the family's needs in accordance with the conducted identification and needs assessment. The families are provided with material support, assistance in enrolling in a personal doctor, assistance in specialised medical examinations, enrolment of children in the Bulgarian educational system.

Reception and care of applicants with special needs and vulnerabilities

Additional Provision 1(16) of the [Law on Asylum and Refugees](#) provides a definition of vulnerability as follows: “applicant in need of special procedural guarantees” means an applicant from a vulnerable group who needs special guarantees to be able to benefit from the rights and comply with the obligations provided for in the law. Additional provision 17 stipulates the definition of applicants with special needs and includes the following: *“minors, unaccompanied minors, people with disabilities, the elderly, pregnant women, single parents with minor children, victims of human trafficking, persons with serious health problems, persons with mental disorders and persons who have suffered torture, rape or other serious forms of mental, physical or sexual violence.”*

The reception and care of applicants with special needs and vulnerabilities concerns mainly unaccompanied minors, they being the larger group of vulnerable applicants in Bulgaria. The care for each applicant who might be considered vulnerable is based on their individual assessment and support plan.

Reception facilities and other housing arrangements

Specific house arrangements for vulnerable applicants, other than unaccompanied minors include the following:

Accompanied minors: Accommodation in mainstream reception centres, same as other applicants for international protection. Members of the same family are accommodated together.

Elderly: Accommodation in mainstream reception centres, same as other applicants for international protection. Dependant elderly adults are however not separated from family members.

Medical and Psychological Needs: Accommodation in mainstream reception centres, same as other applicants for international protection. Persons with serious illnesses are however accommodated in isolation, if necessary. For people with mental disorders or psychological needs, private housing is also provided, if necessary.

Victims of human trafficking: Separate facilities tailored to their needs exist: crisis centre.

Gender/family related needs: Female and male applicants are accommodated separately unless family members' consent. Members of the same family are accommodated together.

LGBTI: Accommodation in mainstream reception centres, same as other applicants for international protection.

Detention of vulnerable persons and applicants with special reception needs

[Refer to the thematic area on Detention.](#)

Reception of unaccompanied minors

The Article 29 (10) of the [Law on Asylum and Refugees](#) provides that unaccompanied children are accommodated in families of relatives, foster families, child shelters of residential type, specialised orphanages or other facilities with special conditions for unaccompanied children.

Unaccompanied minors are accommodated in designated safe zones for unaccompanied children and there are two in Bulgaria where children are provided round-the-clock care and support tailored to their specific needs.

Reception facilities and other housing arrangements

Article 29 (10) the [Law on Asylum and Refugees](#), unaccompanied minors or underage foreigners shall be accommodated until they reach the age of majority in:

1. family of relatives or close friends, foster family, social or integrated health and social service for residential care under the terms and conditions of the Child Protection Act and
2. other places of accommodation with special conditions for minors and minors.

According to Article 33 of the [Law on Asylum and Refugees](#), unaccompanied minors or minors who have been granted international protection shall be accommodated until they reach the age of majority in family of relatives or close friends, foster family, social or integrated health and social service for residential care under the terms and conditions of the Child Protection Act or in other places of accommodation with special conditions for minors and minors.

Housing arrangements

Three safe zones are managed by the IOM and funded by AMIF.

The Voenna Rampa safe zone is designated for the accommodation of applicants from Afghanistan, Pakistan and Iran and had an initial capacity to accommodate 150 children when first opened in mid-2019.

The second safe zone at the RRC Sofia in the Ovcha Kupel shelter was opened on 20 January 2020 with capacity to accommodate 138 children and hosts primarily children originating from Arab-speaking countries.

In April 2024, the State Agency for Refugees opened a third safe zone for unaccompanied children in the Harmanli registration and reception centre, the biggest reception center, with a capacity of 98 places that may be increased up to 200 places in case of a crisis. The construction will be carried out by the International Organization for Migration (IOM) in Bulgaria, under a project of UNICEF Bulgaria.

The total capacity of safe zones to accommodate unaccompanied minors increased in 2024 is 336 places.

Age assessments

According to Article 58 (9) and 61a (2-4) of the [Law on Asylum and Refugees](#) (LAR) provides that, if there are reasonable doubts about the age of an applicant, SAR has to, upon their consent or upon the consent of a representative/guardian, notify an unaccompanied minor that s/he has the possibility to have an expert medical examination to determine his/her age.

Article 61a of the LAR, as amended by SG 89/2020 of 16 October 2020 provides that:

- the minor is provided information on the method for conducting the examination and possible consequences,
- a refusal to undergo an expert examination cannot be an independent ground for rejection of the application for international protection,
- full respect for human dignity must be ensured, by choice of the least invasive ways for examination and by being carried out by a medical expert who shall enable a reliable result.
- if the doubts persist after the medical examination, the applicant shall be presumed to be a minor.

In 2023, the SAR appointed an interdepartmental working group with the participation of the State Agency for Child Protection (SACP), the Social Assistance Agency (SAA), the Ministry of Interior (Mol), the Medical Institute of the Mol, UNICEF, UNHCR and BHC, to develop an instruction for multidisciplinary assessment and age assessment based on a set of non-medical and medical expertise, also following EUAA guidelines. The SAR and the SACP approved the instruction which entered into force on 1 March 2024. The SCAP will set up a unit to carry out the age assessment procedure and to draw conclusions for establishing age, to be taken into account by the State Agency for Refugees, when making a decision. Officers have been trained and assigned specific tasks on the new methodology. The State Agency for Asylum [Annual Report on international protection 2023](#) and the [Annual Report on the activities of SAR under the Council of Ministers 2023](#) mention that the new methodology for non-invasive assessment will be applied from 1st March 2024. There is no information publicly available for the application of the methodology. Age assessment from SCAP experts has been requested on several occasions and if the applicant has not absconded before experts have conducted their meetings with him, they can submit their official statement to SAR.

Access to education

Applicants for international protection who are of school age are provided free education in the state and municipal schools under the conditions and according to the order concerning Bulgarian citizens. The admission of a minor third country national seeking international protection in a certain class in a state or municipal school is carried out after an application has been submitted (Appendix No. 1 of the Ordinance on the conditions and procedures for admission and training of persons seeking or granted international protection) by a parent or the representative for an unaccompanied minor or minor seeking international protection, to the head of the relevant regional education administration. The respective head of the relevant regional education department has to assign the minor concerned to a specific school according to his place of residence and the wish of the parent/representative, within 7 working days. The registration of minors and minors seeking international

protection is carried out during the entire school year, but no later than 30 school days before the end of the second school term.

The director of the relevant school, on the proposal of the coordinating team, appoints by order a committee to conduct an interview and direct the concerned to a certain class of school, within a period of 7 working days.

Students seeking international protection who are admitted to the state or municipal schools have access to additional modules are provided in the field of education for Bulgarian language ([General information about those granted protection](#)).

Information on access to education is available here:

- [INFORMATION SUR LES CONDITIONS D'ADMISSION ET D'INSCRIPTION AUX ÉCOLES BULGARES POUR LES MINEURS DEMANDEURS D'ASILE, QUI SONT LOGÉS DANS LES CENTRES D'HÉBERGEMENT, GÉRÉS PAR L'AGENCE GOUVERNEMENTALE BULGARE POUR LES RÉFUGIÉS.](#)
- [Information for conditions and regulations accepted and for education.](#)

[Information about the conditions and procedures for registration and education of foreign children and juveniles, international protection seekers, who reside in the regional offices of the National Refugee Agency, affiliated to the Cabinet.](#)

Access to healthcare

Asylum applicants, including unaccompanied minors, are entitled to the same health care as nationals, free of charge.

Article 29 (1) point 5 of the [Law on Asylum and Refugees](#), the applicants have the right to access health insurance, medical care and free use of medical services under the conditions and according to the procedure for Bulgarian citizens.

In 2023, the State Agency for Refugees presented a child-friendly [video](#), which was produced by UNICEF Bulgaria, to unaccompanied minors. The video addresses the social services which are available, and it is available in Arabic, Bulgarian, Dari,

English and Pashto.

Transition to adulthood

Bulgarian legislation provides that adulthood is reached at the age of 18 (see Article 33 of the Law on Asylum and Refugees) and the long-term residence status granted to unaccompanied minors ends when they reach the age of 18 according to the [Law on Foreigners in the Republic of Bulgaria](#) (LARB). However, they might be allowed to stay with a long-term residence permit based on humanitarian reasons and they have to apply for it after reaching adulthood.

When an unaccompanied minor reaches the age of 18, he or she is regarded as an adult foreigner and a return decision can be implemented under the conditions provided by LARB.

Unaccompanied minors are considered as adult third country nationals when reaching adulthood. They have the right to access support and services based on their legal status. Those who were granted international protection (including unaccompanied minors after reaching adulthood) receive support and services as stipulated by national legislation. Unaccompanied minors, who had been staying under residential care under the Law on Child Protection as a protection measure before reaching adulthood may use the social service up to the age of 21.

Unaccompanied minors who have not applied for or have been denied international protection are treated as illegally staying third country nationals after reaching adulthood.

There is currently no national strategy to support the transition to adulthood of unaccompanied minors. There are no specialised services at national level targeting unaccompanied minors or UAMs in their transition to adulthood. Unaccompanied minors may use the services available for Bulgarian minors but due to the language barrier and the lack of interpreters/translators, they face serious difficulties.

Municipalities are the authorities responsible for providing social services, and these services are financed from the state and the municipal budgets. Services can also be

provided by individuals and legal entities. Adult third country nationals, beneficiaries of international protection have access to all services available in Bulgaria, same as all citizens. Unaccompanied minors have access, prior to reaching the age of 18, to all available services in the municipality irrespective of having been granted or not international protection. Same rule applies for those who are allowed to stay based on protection measure under the Law on Child Protection and who are under the state care.

Detention of unaccompanied minors

Detention of unaccompanied minors is prohibited by law, and Article 44(9) of the LARB and detention of accompanied minors is limited to a maximum of 3 months.

Art. 44 (9) LARB:

(9) Exceptionally, if available of the circumstances under par. 6 for the accompanied minors or juveniles an order for compulsory accommodation in a special home shall be issued for a term of up to three months. In the special homes under par. 7, premises for accommodation of minors and juvenile foreigners with conditions suitable for their age and needs shall be established. Involuntary placement does not apply to unaccompanied minors. The body that issued the order for imposing the coercive administrative measure shall hand over the person to an employee of the respective Social Assistance Directorate, which shall take protection measures in accordance with the Child Protection Act.

Special procedural guarantees

First instance determination for applicants with special needs

According to Article 30a of the [Law on Asylum Refugees](#), SAR's staff are obliged to take into consideration the specific situation and the special needs of foreigners belonging to a vulnerable group at each stage of the asylum procedure.

Access to information

Information provision is the same as for all applicants for international protection.

If there are signs that a foreigner who is at a border checkpoint, including transit zones, or who is detained in places of detention or in a special home for temporary accommodation of foreigners of Migration Directorate with the Ministry of Interior, may wish to apply for international protection, the officials of the relevant authority are obliged to provide the foreigner with information on the possibility to do so. For this purpose, an interpretation is provided to facilitate access to the procedure, pursuant to Article 58 (6) of the Law on Asylum and Refugees.

At the border or in transit zones, information regarding the right to make an application is provided by border police in writing in the form of a leaflet available in several languages (such as Arabic, Farsi, Dari, Urdu, Pashto, Kurdish, English and French) or in other forms, i.e. UNHCR or NGO info boards. To a certain extent, foreigners can access advice and counselling at the border or in transit zones provided by civil society organisations.

If in detention, information is provided to foreigners in the form of brochures and boards (in English, French, Arabic, Pashtun and Farsi), and include information on the rights and obligations, organisations that provide social and legal assistance and procedures that will follow.

Information is also provided by UNHCR and civil society organisations.

Personal interview

By order of the Chairperson of the SAR, a case officer with specialised training is assigned to process (including conducting the interview) an application for international protection from an applicant belonging to a vulnerable group. The case officer shall have, in addition to the specialised training, at least two years of

experience and interpersonal skills to communicate effectively with vulnerable groups, including unaccompanied children.

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

During the interviews, the applicant can always request for a break or for a postponement, should they not be feeling well enough (physically or mentally) to continue the conversation. The interview is carried out by the appointed case worker and can be conducted in the presence of the applicant's legal representative. The questions can be adapted in line with the applicant's special condition in order for them to fully comprehend the questions and answer according to their own view and understanding.

Legal assistance

When SAR identifies a person belonging to a vulnerable group and if the applicant expresses her/his will to receive legal aid, the responsible official from SAR will immediately draft and send an information note to the director of SAR's relevant territorial unit where the applicant is accommodated. Then, the director of SAR's relevant territorial unit where the applicant is accommodated or a person authorised thereby, will send, within 3 days from receiving the information note, a letter by post, fax or e-mail to NLAB's Chairperson with the request to designate a lawyer who will provide legal aid within the framework of the agreement.

For example, the National Legal Aid Bureau (NLAB) provides information on the rights of human trafficking victims prior to the commencement of legal proceedings and in the form of consultation, legal advice and preparation of documents before the relevant investigative bodies or a court for the opening of criminal or civil proceedings.

Vulnerable applicants, including unaccompanied minors, were provided with free legal aid within the project "Providing legal aid to vulnerable groups of third-country nationals" funded from the Asylum, Migration and Integration Fund (AMIF). The

scope of legal aid included: :

1. Legal consultation during the interview;
2. Legal advice when served with the decision;
3. Legal consultation with a view to drawing up a complaint against the refusal of international protection.

The project ran from 2018 until 31 January 2021.

The Bulgarian Helsinki Committee provides observations in the report on the procedure for international protection in 2024, based on monitored cases.

Guarantees for unaccompanied minors

The term 'unaccompanied minor' is defined by the LAR, in the additional provisions 4 (amended by SG 89/20) as a minor or underage foreigner staying on the territory of the Republic of Bulgaria and not accompanied by his parent, guardian or trustee.

Unaccompanied minors and accompanied minors arriving in Bulgaria are appointed a leading social expert to assist and support in identifying their needs. In the cases of UAMs, the social expert works in a coordinated manner and communicates with the legal representative appointed by the National Legal Aid Bureau as provided by the Article 25 LAR and the social worker appointed by the Department of Child Protection and IOM representatives in the safe areas.

Making, registering and lodging an asylum application

The term 'unaccompanied minor' is defined by the LAR, in the additional provisions 4 (amended by SG 89/20) as a minor or underage foreigner staying on the territory of the Republic of Bulgaria and not accompanied by his parent, guardian or trustee.

The [Law on Asylum and Refugees](#) has been amended by SG 89/2020, on 16 October 2020. The revised Article 25 of the LAR provides that an unaccompanied minor who

is an asylum applicant or has received international protection shall be represented during the procedure and during his presence in Bulgaria by a lawyer registered with the National Legal Aid Bureau (NLAB). The representative has obligations not only related to the international protection procedure, but also to represent the minor afterwards before all institutions regarding their rights. This significant change adopted in 2020 transferred the role from the municipalities to the National Legal Aid Bureau, thus the responsibilities were shifted from the local to the national level.

Unaccompanied third country minors seeking asylum in Bulgaria fall under the category of 'children at risk' in the sense of the Child Protection Act, as well as in the category of 'vulnerable persons'; according to the Asylum and Refugee Act in the Republic of Bulgaria. Moreover, the [Law on Foreigners in the Republic of Bulgaria](#) provides under Article 7a that unaccompanied minors are represented in the proceedings under this law by the Social Assistance Directorate at their place of residence.

Information provision

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.

The platform asylum.bg offers information for unaccompanied minors in various languages: <https://asylum.bg/content/#uc>

According to the [Annual report on the activities of SAR under the Council of Ministers 2022](#), due to the significant increase of the number of unaccompanied minor asylum applicants and due to the established necessity, the number of group information sessions for unaccompanied children accommodated in the "Safe Zones" at the reception center Sofia, and in "Voenna rampa" increased, with the support of the

International Organization for Migration. The information sessions focused on topics related to their development, the specific challenges of the adolescence period; the need for wider social contacts; as well as the specifics of their relationship with their families.

Best interests of the child in the Dublin procedure

There is no specific procedure for assessing the best interest of the child within the Dublin procedure. The assessment of the best interest of the child is part of the general procedure. For unaccompanied minors, a Rapid Assessment of the best interest of the child is prepared within 3 working days after the registration and a Full Assessment is prepared within 10 working days by a social expert. The factors taken into account when the best interest of the child is assessed include, first and foremost, the factors enumerated in Article 6(3). Additional factors can be taken into account, but it depends on every case. There is no specific guidance for assessing the above factors. A social report is written up by the social worker of the applicant, which takes into account the best interest of the child. The social worker is appointed by the State Agency for Child Protection and is not the same person as the guardian/representative.

The representative appointed to the unaccompanied minor for the Dublin procedure is the same as the representative within the international protection procedure in general. The representative takes part in the Dublin personal interview, but he/she is not involved in the assessment of the best interest of the child. The representative is entitled to take care of the unaccompanied minor's legal interests in the proceedings for granting international protection until their completion with an effective decision; to act as a procedural representative in all proceedings before the administrative authorities and take action to provide legal assistance.

Personal interview

As part of the procedure for granting international protection, unaccompanied minors are interviewed. The unaccompanied minor has the opportunity to share his/her opinion with 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 shall be taken into account and assessed in the context of all the evidence gathered in the proceedings.

The representative of the unaccompanied minor 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. The representative of the child shall be appointed based on Article 25a LAR as amended by SG 89/2020

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](#).

The Bulgarian Helsinki Committee noted in the [report on the procedure for international protection in 2024](#), all monitored cases (47 cases), unaccompanied minors had appointed a legal representative as provided under Article 25 of the LAR,, and that the lawyer was present at the interview and provided assistance and legal guidance.

Legal representation during the asylum procedure

Article 25 (6) of the LAR provides that the unaccompanied minor shall be immediately informed of the designation of the legal representative. The legal representative has a commitment to "*explain to the unaccompanied minor or foreign minor the proceedings on the application for international protection, inform him of his rights and obligations, of the meaning and consequences of the personal interview and how to prepare.*"

The representative should have the necessary knowledge and should act in the best interest of the child in order to ensure that his rights and obligations are duly fulfilled during the international protection procedure, especially for the conduct of the personal interview. According to the Article 25 (3) of the LAR the representative shall:

1. to take care of his/her legal interests in the proceedings for granting international protection until a final enforceable decision is issued,
2. to represent him/her before all administrative bodies, including social, health, educational and other institutions in the Republic of Bulgaria, in order to protect the best interests of the child;
3. to offer legal representation in all proceedings before the administrative and judicial bodies.

Detailed information on the tasks and duties of the legal representative designated under Article 25 of the [Law on Asylum and Refugees](#) is provided under the NLAB instructions for legal representatives (available [here](#)). The National Legal Aid Bureau published guidelines on the [Representation under Art. 25 of the Law on Asylum and Refugees - a description of the activities to be carried out by the lawyer appointed as a representative of an unaccompanied minor or minor foreigner seeking international protection - Art. 25, para. 1 of the Asylum and Refugees Act.](#)

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.

According to the [State Agency for Refugees Quarterly Report 2024](#), a proposal has been made by the Chairperson of SAR and the President of the National Legal Aid Bureau, to adopt rules for assessing the quality of representation of unaccompanied minors seeking or granted protection, as well as rules for assessing the means necessary to ensure such representation.

The Foundation on Access to Rights held an event on 9 September 2024 to present a [Practitioner's Guide to Ensuring the Rights of Unaccompanied and Separated Children through the EU Charter of Fundamental Rights](#).

Legal assistance and counselling

Legal assistance and legal representation are the same process for unaccompanied minors.

The revised Article 25 of the [Law on Asylum and Refugees](#) provides that an unaccompanied minor who is an asylum applicant or has received international protection shall be represented during the procedure and during his presence in Bulgaria by a lawyer registered with the National Legal Aid Bureau (NLAB). The representative has obligations not only related to the international protection procedure, but also to represent the minor afterwards before all institutions regarding their rights. This significant change adopted in 2020 transferred the role from the municipalities to the National Legal Aid Bureau, thus the responsibilities were shifted from the local to the national level.