Legal assistance and representation - Bulgaria

Overview

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National legislation

The relevant national provisions are found in the Law on Legal Aid, specifically Article 22 (1) item 8 and the Law on Asylum and Refugees.

Competent authority and stakeholders

Area	National authority/stakeholder
Provision of legal and procedural information on the applicant's rights and obligations	National Legal Aid Bureau Bulgarian Helsinki Committee (BHC) Center for Legal Aid - Voice in Bulgaria Foundation for Access to Rights (FAR)
Legal assistance at first instance determination	National Legal Aid Bureau Bulgarian Helsinki Committee (BHC) Center for Legal Aid - Voice in Bulgaria Foundation for Access to Rights (FAR)

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Area	National authority/stakeholder
Legal counselling provided by civil society organisations or other organisations	Bulgarian Helsinki Committee (BHC) Center for Legal Aid - Voice in Bulgaria Foundation for Access to Rights (FAR)
Legal assistance at second instance determination	National Legal Aid Bureau Bulgarian Helsinki Committee (BHC) Center for Legal Aid - Voice in Bulgaria Foundation for Access to Rights (FAR)
Legal assistance for other related procedures	Bulgarian Helsinki Committee (BHC) Center for Legal Aid - Voice in Bulgaria Foundation for Access to Rights (FAR)

Access to legal assistance and representation

Provision of information on legal assistance and representation

According to Article 58 (8) of the Law on Asylum and Refugees, asylum applicants must be informed in writing, within 15 days from the submission of their application, about their rights and obligations. This information must include details about organisations providing legal and social assistance, and it may also be provided verbally.

According to Article 23 (1) of the Law on Asylum and Refugees, applicants for international protection or beneficiaries of international protection have the right to assistance from the UNHCR and other governmental or non-governmental organizations at any stage of the proceedings and after the granting of

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international protection.

The Law on Asylum and Refugees does not mention information about legal aid funded from the state budget or the procedure before the National Legal Aid Bureau for legal assistance during the first-instance procedure, but it stipulates under Article 23 (2) of the Law on Asylum and Refugees that the State has an obligation to ensure conditions for obtaining legal assistance for foreigners seeking international protection in Bulgaria.

Legal and procedural information can be provided also by the National Legal Aid Bureau, through the National legal aid hotline, served by lawyers from the Sofia Bar Association, registered in the National Legal Aid Register and the 12 Regional counselling centres with Bar Councils.

Access to premises

According to Article 23 (3) of the Law on Asylum and Refugees, lawyers, representatives of civil society organisations, and UNHCR should have access to borders, transit zones, and detention facilities during visiting hours, and also ad hoc without prior permission when necessary or requested by asylum applicants.

Under Article 45e of the Law on Asylum and Refugees, applicants for international protection accommodated in closed-type centres are entitled to meet with persons providing legal aid and agency, representatives of UNHCR, civil society organisations and international organisations.

On 29 July 2022, the State Agency for Refugees under the Council of Ministers updated the rules on access to and operation in the territorial units of the SAR by national and international non-governmental organisations, and it introduced a temporary restriction of access due to an increase of COVID-19 cases in the respective unit.

According to the Article 23 of the Law on Asylum and Refugees, asylum applicants who are seeking or benefiting of international protection can receive legal assistance from the UNHCR, other governmental or non-governmental organisations, under the conditions provided by law.

Requirements: Means test and merits test

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The provision of legal aid is subject to general rules that apply to any request for legal assistance, including compliance with the means test, both for first instance and second instance determination. Article 22 (8) of the Legal Aid Act stipulates that legal aid is not granted if the applicant is already receiving legal support from another source or on another basis. The means test is based on the applicant's declaration of unemployment and insufficient resources, corroborated by competent authorities. Additionally, being an applicant for international protection and the lack of alternative legal assistance must be certified through documents issued by the relevant competent authorities and a declaration of family and property status, as per a form approved by the National Bank of Bulgaria – see Article 22(2) of the Legal Aid Act.

For appeals, Article 23 (3) of the Legal Aid Act provides that legal aid in civil and administrative cases is provided when the court or the chairman of the National Bureau for Legal Aid determines, based on evidence, that the person cannot afford legal representation. In order to prove that they are unable to afford legal representation, applicants must submit a request for legal aid accompanied by a declaration of family and property status as part of the application process. The evaluation considers factors such as: income of the individual or their family; property status, certified through a declaration; marital status; health condition; employment status; age and any other relevant circumstances.

Modalities to submit a request for legal aid

In Bulgaria, the process for obtaining legal aid in asylum-related procedures is provided by the Law on Legal Aid and the Law on Asylum and Refugees which outline the specific modalities for requesting and granting assistance at both first and second-instance determinations.

Asylum applicants are eligible to request legal aid from the moment their asylum application is registered, as defined in Article 22 of the Legal Aid Act. To initiate the process, applicants must submit proof of their status as applicants for international protection under the Law on Asylum and Refugees and a declaration confirming that they meet the means test and are not receiving legal assistance from another source. These requirements are formalised through a standardised application form, provided by the National Legal Aid Bureau (NLAB), which is specifically designed to address the needs of asylum seekers, including their potential vulnerabilities. A dedicated form is available for application for legal aid

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to the court in an initiated case.

Applications for legal aid can be submitted either in paper form or digitally. For digital submissions, the National Legal Aid Bureau offers specific guidelines, and applicants may need to use a designated platform, which could require the creation of an account. The application form covers all necessary details, including the applicant's personal circumstances and any vulnerabilities. The time limits for submitting requests are the same for both first and second-instance procedures and must align with the procedural deadlines for the case.

Outcome of the request for legal aid

Legal assistance and representation at first instance determination

Service provider

Scope of legal assistance

Procedural aspects

Representation

Aspects related to special procedures

Aspects related to applicants with special needs

Legal assistance and representation in appeals

Service provider

Scope of legal assistance

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Procedural aspects

Type of appeal

Representation

Aspects related to applicants with special needs

Right to counselling in the Dublin procedure

Access to legal aid while in detention

Quality assurance

Selection, qualifications and training

Mechanisms for quality assurance

Inter-institutional cooperation

Legal assistance and representation for related procedures

Reception conditions

Family reunification

Temporary protection procedure

Beneficiaries of international protection

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