



Bulgaria

2017 Annual Border Monitoring Report

ACCESS TO TERRITORY AND INTERNATIONAL PROTECTION

LIST OF ABBREVIATIONS

(in alphabetical order)

AFIS	– Anti Fraud Information System
BPM	– Border Protection Monitoring
BCP	– Border Crossing Point
BHC	– Bulgarian Helsinki Committee
BPS	– Border Police Section
GDBP	– General Directorate of Border Police
LAR	– Law on Asylum and Refugees
LARB	– Law on Aliens in the Republic of Bulgaria
MOI	– Ministry of Interior
MOU	– Memorandum of Understanding
SAR	– State Agency for Refugees
SCTAF	– Special Centers for Temporary Accommodation of Foreigners
TCN	– Third Country Nationals
TWG	– Tripartite Working Group
UNHCR	– United Nations High Commissioner for Refugees

CHAPTER I

NATIONAL BORDER MONITORING FRAMEWORK

1.1. MoU

The Tripartite Memorandum of Understanding on Modalities of Mutual Cooperation and Coordination to Support the Access of Persons Seeking Protection to the Territory of, and the Procedure for Granting Protection was signed on 14 April 2010 by UNHCR, BHC and GDBP with the MoI. The Memorandum sets out coordination and cooperation mechanisms for the monitoring and support of persons seeking access to the territory and to the asylum procedures in the Republic of Bulgaria.

1.2. Tripartite working group

The Tripartite Working Group (TWG) comprised of representatives of UNHCR, BHC and GDBP has been established to supervise the implementation of the MoU and provide analysis of the border monitoring reports taking in consideration the State primary responsibility of ensuring that persons in need of international protection would have access to the territory and asylum procedure in line with assumed obligations under international refugee legislation. The TWG holds at least three regular meetings per year.

This report was drafted in accordance with the Article 4.2, Section IV of the Internal Rules of Procedure of the TWG.

1.3 Monitoring methodology

According to the MoU, the parties have access to any national border and/or 24-hour detention facility at the land or air border, including transit halls at international airports, without limitation to the number of monitoring visits. Access to monitoring shall be granted to monitors without prior permission or conditions set regarding time, frequency, duration or individual circumstances related to the particular detainee/s (Art. 15 of the MOU).

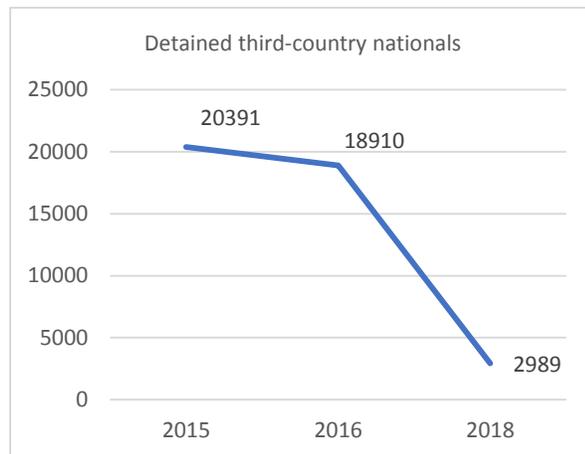
UNHCR and BHC continued to carry out the border monitoring activities under the MoU and the identified protection gaps were addressed during the TWG. In 2017 BHC conducted a total of 791 border monitoring visits, of which approx. 89% (516 visits) at the main entry points along the border lines with Turkey and Greece in the area of Kapitan Andreevo BCP, and Novo Selo BCP in the area of the cross-border triangle Svilengrad-Kapikule-Ormenion. Also 58 visits were made at the exit points at the border lines with Serbia, Greece and Romania of which 10 visits at „green“ borders and 48 visits at relevant detention facilities where third-country nationals were accommodated after being detained by the police. The access to the territory for individuals in need of international protection in cases of readmission into Bulgaria from third countries was monitored mostly at the arrival point at Sofia Airport where 27 monitoring visits were made in this respect. The Black Sea route was not used by mixed migration flows in 2017 and no arrivals by sea were monitored or reported during the reported period. UNHCR conducted four border monitoring visits to the border zones including “green border” areas covering several territorial border units along the borders with Turkey, Greece, and Serbia.

CHAPTER II REFUGEES IN THE CONTEXT OF MIXED MIGRATION FLOWS¹

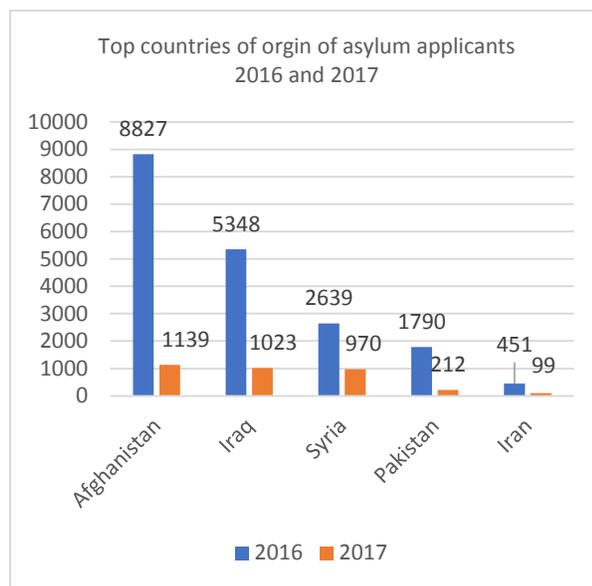
2.1. General context

In 2017 the migration pressure for Bulgaria decreased sharply. The MOI have reported 2,989 cases² of attempted violations of the border regime by third-country nationals in total, the majority of whom were from the Middle East. The statistics showed that the number has decreased by 84.1 % compared to 2016 when 18,910 refugees and migrants attempted to cross irregularly the borders of Bulgaria.

The number of the apprehended individuals who have attempted to cross irregularly the state borders stood at 743 individuals on entry and 2,413 individuals on exit³. For the first time since the end of 2014 the top country of origin on entry became Syria (35% of all new arrivals) followed by Iraq (21%), Afghanistan (19%), Turkey (8%), Pakistan (4%) and 13% other nationalities.



On this background the national asylum authority⁴ reported 3,700 individuals to have applied for asylum in 2017, marking 80% decrease compared to 2016⁵. The top country of origin remained Afghanistan (1,139 applications, 31%) followed by Iraq (1,023 applications, 28%) Syria (970 applications, 26%), Pakistan (212 applications, 6%), Iran (88 applications, 2%) and 7% other nationalities.



While there are nine main official border crossing points including external EU borders with Turkey, Serbia, and FYROM, the major migration flow in 2017 occurred via so-called “green-borders” mainly with Turkey, where 88% of all interceptions at the entry were made. The highest apprehension rates were registered on entry from Turkey: 651 individuals, followed by the Bulgarian-Greek border (70 individuals, 10%) and 2% (22 individuals) at the borders with FYROM and Serbia.

On exit, the number of apprehended third country nationals dropped by 83.1 % (2,413 individuals) compared to 2016 when 14,310 individuals were intercepted. The top country of origin remained

² Please, note that MOI statistics showed discrepancy between the reported annual and monthly figures. Following the total of the reported individuals on a monthly basis during the year the apprehended individuals should have comprised 3,019 third country nationals, hence with 30 individuals more than the reported annual figure of 2,989 third country nationals.

³ Out of total 2,413 individuals apprehended on exit just 445 were new arrivals (without previous AFS/police registration)

⁴ State Agency for Refugees with the Council of Ministers (SAR);

⁵ 19,418 asylum applicants in 2016;

Afghanistan (1,273 individuals, 52.8%), followed by Pakistan (425 individuals, 17.6%), Iraq (347 individuals, 14.4 %), Syria (125 individuals, 5.2%), Iran (54 individuals, 2.2%) and 7.8% other nationalities.

The main deterrent factors which contributed to the decreased immigration in 2017 were:

- Enhanced control measures introduced along the Bulgarian-Turkish border since 2015, Bulgaria continued to enhance its measures for reinforcing surveillance to halt the influx of illegal crossings, by constructing a 230 km fence along its border with Turkey affecting the access to the territory. Tightened security measures were also introduced by the Serbian authorities at the Bulgarian-Serbian border;
- Fingerprinting (AFIS registration) applied to all apprehended refugees and migrants, considered by the latter as a prerequisite for their inevitable return or readmission to Bulgaria at a later stage;
- The extensive application of detention beyond 6 months initial period of third-country nationals who did not apply for international protection to ensure their subsequent deportation from the country, thus preventing their freedom of movement and onward (secondary) movement.

The upward trend regarding the refugees and migrants attempting to illegally exit the country, predominantly through the Bulgarian-Serbian border, was firstly registered in 2015 and maintained throughout 2016 and 2017 as well. In 2017 84% of all attempted exits were through the Bulgarian-Serbian border, followed by 8.1% attempts along the Bulgarian-Romanian border.

For the first time since 2014 the number of those claiming to be Afghans started to drop, while the number of those identifying themselves as Syrian nationals indicated a slight upward trend. The latter raised to 35% of the total number of those apprehended at the border against 25% in 2016.

The majority of those apprehended were undocumented young men aged 18 to 30. Many of them did not express their wish to apply for protection in Bulgaria and instead tried move onward to other EU Member States.

2.2. Situation on entry

As indicated above, in 2017 the irregular entries dropped by 84% compared to 2016, mostly attributed to the decreased entries from Turkey. Nonetheless the Bulgarian-Turkish border remained with the highest risk of irregular entries with again 88% of the total number of the individuals apprehended on entry.

The highest number of apprehensions at entry occurred during the months of March and April with 33% of total entry crossings during that period.

No changes have occurred in the *modus operandi* applied by the refugees and migrants crossing the green border. The Turkish capital Istanbul remained a major human smuggling and trafficking hub. After the Bulgarian-Turkish border crossing the smuggled individuals were handed over to the Bulgarian smuggler and usually transported to the cities of Sofia, Plovdiv and Haskovo.

The attempted illegal crossings through the BCPs have also drastically decreased in 2017 to 242 individuals in total, making 80% of decrease compared to 2016 (3,051 individuals). Similar to 2016, the majority of the apprehensions (77%) took place at the Bulgarian-Turkish border.

The Bulgarian-Greek border was the other land border used irregularly as a major entry point for refugees and migrants in 2017 with 10 % of the total number of individuals apprehended on entry (against 9% in 2016).

In total, 19 individuals (2%) were apprehended on entry along the Bulgarian-Macedonian and the Bulgarian-Serbian borders.

There were also 3 attempts at the Sofia airport while no attempts of entering Bulgarian territory by sea or river borders have been registered.

Significant number (61% / 1,801 individuals) of the new arrivals in 2017 were apprehended by authorities, different from the border or immigration police, e.g. regular police, customs, taxation or transportation inspection services⁶, or following various incidents⁷.

In October 2017 the Defense Minister publicly acknowledged that refugees and migrants continued to enter through the border fence with Turkey using ladders and that corruption among the staff of the Bulgarian border authorities contributed to continued human smuggling and trafficking.⁸

Transit routes and means through Bulgaria also changed in 2017. Pedestrian routes were largely abandoned on account of smuggling and trafficking by trucks or lorries.

The main reasons for entering as stated by third-country nationals during the police interviews were:

- The armed conflict in Syria and safety, security and humanitarian issues stemming as a result of it. The refugee flow from Syria also comprised of Christians who feared persecution on ethnic and/or religious grounds;
- Socio-economic and unstable political situation in Afghanistan, Iraq, and Pakistan.

Most of the refugee and migrants perceived Bulgaria as a transit country on their way to the destination countries – Germany, Austria, France, Sweden and the Netherlands.

2.3. Situation on exit

The number of third-country nationals apprehended at the exit dropped by 83% compared to 2016 (2,413 TCNs have been apprehended compared to 14,310 in 2016). In a third consecutive year, the number of those apprehended on their exit (2,413 individuals) exceeds the number of those apprehended on their entry (743 individuals).

Out of the total number of those apprehended in attempting to irregularly exit the country 1,801 were registered in MOI's data bases, and 445 did not have such registration. Hence, 20% of all individuals⁹ arrested while trying to exit the country had transited the territory without being detected. The number of

⁶ 18.12.2016, 19.01.2017, 07.03.2017, 04.04.2017, 10.04.2017, 23.04.2017;

⁷ 23.03.2017, 04.06.2017;

⁸ Дневник, „Каракачанов призна, че мигранти преминават оградата с Турция чрез стълби“, 20 October 2017

⁹ In total 2,246 individuals apprehended on exit, out of whom 445 new arrivals;

those who successfully entered, transited and exited the country without being registered by the police remains unknown.

98% of exit attempts were registered at the border with Serbia and Romania. The number of exit attempts to FYROM, Greece and the air borders collectively remained insignificant (a total of 49 individuals), which constituted less than 2% of the total number of all apprehensions on exit. In 2017 no attempts to exit through the Black Sea border have been registered.

Bulgarian-Serbian border remain the primary route for the onward movements from Turkey. 83,5% of exit apprehensions occurred at the Bulgarian-Serbian border. This route is and the cheapest way to reach Western Europe and it has been used predominantly by Afghan nationals who compose 53% of all intercepted TCNs at the exit from Bulgaria to Serbia¹⁰.

Bulgarian-Romanian and Bulgarian-Greek routes remain as a second and third most popular routes for the onward movements respectively, where 12% of all apprehensions at the exit occurred. The exit route via Danube river borderline between Romania and Bulgaria continued to be considered as the most dangerous path not only because of the potential fatalities while crossing it, but also due to the enhanced security measures taken by the respective countries. Notwithstanding, in 2017 the river and land borders with Romania became an active exit route¹¹, the main reason being the easier access from Romania to Hungary, and onward to Western and Northern Europe, as long as the land border between the two was not yet equipped with fences or other preventive installations.

Thus, a total of 196 individuals have been apprehended at the Bulgarian-Romanian border, of whom zero on entry. The majority of them (53%) were found hidden in vehicles or other means of transportation (104 hidden in vehicles or trains, 34 apprehended when crossing the green border, 31 trying to avoid the border control, and 27 using fraudulent IDs/travel documents).

CHAPTER III ACCESS TO THE TERRITORY AND TO STATUS DETERMINATION

3.1. Non-refoulement

No institutional or practical arrangements or measures exist to ensure a differentiated approach that gives access to the territory and protection for those who flee from war or persecution. In 2017 the Bulgarian government ceased to disclose the number of prevented entries in publicly available statistical reports.

In 2017 MOI has reported¹² the decrease of the new arrivals by 84% compared to 2016¹³. The main countries of origin of asylum-seekers remained Afghanistan (1,139 applications, 38 %), followed by Iraq (1,023 individuals, 34%), Syria (970 individuals, 32%), Pakistan (212 individuals, 7%), Iran (88 individuals, 3%), and 7% other nationalities.

¹⁰ Afghanistan - 2017: 1,273 / 2016: 8,185 individuals; Pakistan – 2017: 425 / 2016: 1,740 individuals; Iraq – 2017: 347 / 2016: 2,640 individuals; Syria – 2017: 125 / 2016: 891 individuals and etc.

¹¹ In total, 597 third country nationals apprehended on exit to Romania, of whom 398 individuals by the Bulgarian border police and 199 individuals readmitted by the Romanian border police. Another 35 individuals were returned from Romania under Dublin Regulation;

¹² MOI, Migration statistics as of 31 December 2016

¹³ MOI, Migration statistics: 31,174 illegally residing third-country nationals apprehended in 2015

On this background, zero reports on *push-back, police violence or robbery incidents* by the Bulgarian border guards have been reported in 2017. Push-back complaints against Serbian authorities also decreased significantly¹⁴, following the litigation, initiated by the Belgrade Center for Human Rights and assisted by the BHC, against the collective push-back to Bulgaria of 25 Afghan asylum seekers¹⁵. So far, push-backs by the Romanian border guards have not been reported.

Although zero pushbacks were reported in the country throughout the whole year, other indirect information from the media¹⁶ bespeak that pushbacks and factual returns continued at significant scales. The EU-Turkey deal resulted in intensified cooperation by the Turkish authorities, which in December stated¹⁷ to have prevented in 2017 not less than 20,014 migrants in total from entering Bulgaria and Greece through their land borders, including by accepting factual returns parallel to the official readmission procedures.

The push backs, border police excessive use of force and engagement of the authorities in refoulement, including in respect of individuals with specific needs or vulnerabilities was also mentioned as a matter of concern by the Committee on Elimination of Racial Discrimination (CERD) in its 2017 Report on Bulgaria¹⁸.

Access to territory was monitored on regular basis. Out of 2,989 irregular third country nationals apprehended as of 29 December 2017¹⁹, 77%²⁰ applied for asylum – namely, 833 individuals at the national borders and 1,459 individuals in the immigration detention centres.

The attempts to use legal channels to enter Bulgaria slightly increased as 32%²¹ of those apprehended at the entry borders arrived at the official checkpoints.

29%²² of the asylum seekers who submitted their claims at the borders on entry had a direct access to asylum procedures without detention. The rest 71%²³, who applied at the entry borders, were sent firstly to MOI detention centres for deportation of irregular immigrants as Elhovo Allocation centre (Migration Directorate, MOI) was closed for indefinite period of time. Altogether 55%²⁴ of the asylum applications were submitted as late as after the individuals were prevented by the Border police to exit Bulgaria irregularly, thus exceeding with 143% those submitted at the ‘entry’ borders²⁵. According to MOI’s statistics only 25% (743 individuals) of all 2,985 individuals intercepted for the reported period were apprehended immediately after crossing the Bulgarian-Turkish border.

In the context of the preliminary ruling given in March 2017 by CJEU in case No C-638/16 in which the Court holds that pursuant to EU law the Member States were not obliged to issue a humanitarian visa to third-

¹⁴ 47 individuals reported to have suffered push-back and robbery by the Serbian army and border authorities;

¹⁵ See, BHC February Monthly Situation Report, 10 March 2017;

¹⁶ Vesti.bg, 11 January 2017: „За 2017 само на граничната бразда с България и Гърция са спрени, заловени и върнати 20,014 бегълци“;

¹⁷ Ibid., so called ‘Border Eagles’ Infantry;

¹⁸ CERD, *Concluding observations on the combined twentieth to twenty-second periodic reports to Bulgaria*, CERD/C/BGR/CO/20-22, 31 May 2017, para 21(a);

¹⁹ 2,985 individuals intercepted for the period from 01 January 2017 to 31 December 2017 according to Mol.

²⁰ 2,292 individuals assisted by the BHC to apply for asylum at the borders or in detention centers, of whom 1161 men, 391 women, 545 children and 157 unaccompanied children. The countries of origin of unaccompanied children were Afghanistan (116 children), Iraq (37), Syria (20 children), Pakistan (15 children), Nepal (3 children), Somalia (2 children), Bangladesh (1 child), Egypt (1 child);

²¹ 242 individuals out of total 743 border new arrivals approached the official border crossing points;

²² 98 individuals of 343 border applicants on entry, mainly intercepted in the area of BPS-Svilengrad and BPS-Malko Tarnovo, and predominantly having national documents or with serious health issues or condition;

²³ 245 applicants for international protection;

²⁴ 490 applications at exit borders;

²⁵ 343 applications at entry borders;

country nationals who want to enter their territory for the purpose of international protection, the above practice implied that asylum-seekers did not have *de jure* and *de facto* any legal ways to enter the national territory, and the only option left for them was the illegal entry via the green border. In parallel with the accompanying risks in terms of their physical safety, this situation resulted in asylum-seekers being forced to solicit the “services” of smugglers and traffickers, which contributes to facilitating illegal immigration-related crime instead of preventing it. In cases of illegal entry into the territory, the traffickers usually retained the individuals’ IDs that are used as a guarantee of the payment due; hence it was impossible for the relevant authorities to check the identity and the profile of the individuals who have illegally entered. Such a check, however, was possible and carried out when individuals turned up at the BCP and declared their will to apply for international protection and presented valid national documents – even though without entry visas. Therefore, providing the possibility to use legal ways for entering the country should be encouraged both through the legislation and in practice as, on the one hand, it would ensure the asylum-seekers’ physical safety, and, on the other hand, it would contribute to the better protection and enhanced national security.

In 2017, in line with the tri-partite memorandum, UNHCR organized three trainings for the staff of the Border Police, from different Regional Directorates as well as the CDBP on “Access to the territory and the procedure for granting international protection”. The trainings contributed to enhancing the capacity of border guards to identify and refer individuals in need of international protection to the relevant procedures and improved their knowledge of the international and national legal framework.

3.2. Non-penalization

In 2017 the non-penalization principle was observed with respect to third-country nationals entering the country in order to apply for asylum and international protection. After the change in the practice of the investigation authorities and the prosecutor’s office in 2013, the monitoring found only several individual cases of violation of this principle in 2014, not a single one in 2015²⁶, and 17 cases in 2016. Approximately 2% in 2017 (15 of all new 743 border applicants on entry) were convicted on account of their irregular entry in violation of Article 31, although it has to be noted that another 3.5% were prevented to apply for asylum at the border, allegedly, in order to be convicted beforehand.

3.3. Registration

The registration at the borders of individuals seeking international protection who had already been allowed to enter and stay on the national territory was conducted as a whole in conformity with the legal provisions with a few issues which, however, remaining recurring and persistently unresolved.

In 2017 the detention of 2,989 irregular migrants was reported by the authorities²⁷, of whom 743 individuals apprehended on the entry and 2,401 individuals on the exit, as well as 1,801 individuals inland. 833 of them (28%) applied for asylum directly before the Border police with the remaining 72% (2,156 individuals) who did it before the Migration police after being transferred by the Border police to immigration detention centers (so called “special centers for temporary accommodation of foreigners”, SCTAF). Out of the 833 asylum seekers who lodged applications before the Border police, 47% (743 individuals) applied on entry and 53% (441 individuals) on exit.

²⁶ 2014: 11 cases of prosecution in violation of the non-punishment principle; 2015: 0 cases

²⁷ Ministry of Interior, https://www.mvr.bg/Planirane_otchetnost/Migracionna_statistika/default.htm ;

Hence, for one more consecutive year the number of applications for protection submitted at the exit exceeded the number of those lodged at the entry into Bulgaria.

One of the major deficiencies that was monitored in 2017 continued to be the lack of adequate interpreting services from the languages spoken by the main groups of individuals seeking protection. There were considerable difficulties in the communication of Border police officers with apprehended individuals, which resulted in overall lack of communication. Consequently, in the majority of the cases the interpretation was provided by the Border police officers who spoke the respective languages, in some cases - by Frontex officers and most often – by the BHC’s interpreters.

3.4. Identification and referral mechanisms

Out of those who applied for international protection on their entry, 42% (971 individuals) received direct access to status determination procedure without detention. The remaining 58% (1,321 individuals) of those who applied for asylum at the border were initially taken to and accommodated in immigration detention centers (SCTAFs) with an average duration of 19 days before being transferred to open asylum reception facilities. In comparison, during 2016 this ratio was 17% (1,371 individuals) directly transferred to SAR’s facilities to 83% (885 individuals) who underwent initial detention.

3.5. Dublin returns

In 2017 Bulgaria continued to be perceived by the new arrivals as a transit state. The majority of the applicants for international protection submitted their claims after their detention by the police, and a substantial part of them – when apprehended in an attempt to leave the country on their way out to the countries of their destination in Western or Northern Europe. Thus, while the number of applicants for international protection dropped in 2017 (2,292 individuals applied at border and immigration detention facilities out of 3, 700 overall), the share of those abandoning their asylum procedures and absconding from Bulgaria remained high with 77%²⁸ compared to 88% in 2016, 83% in 2015 and 46% in 2014. 23% of the applicants for international protection remained in the country long enough for the issuing of a final decision on the substance of their application compared to 15% in 2016.

In 2017 Bulgaria received 7,842 Dublin information requests from other EU member-states. Notwithstanding, the number of actually implemented Dublin returns of asylum seekers remained very low as it consisted just 6%²⁹ of all requests made. The top three countries by return requests submitted were Germany, France and Austria.³⁰ All returnees except those having a final rejection from SAR were released by BP upon arrival due to a change in national regulations allowing BP to release all people with a pending or terminated procedure instead of arresting them and bringing them to SAR. Dublin returnees’ without final rejections who wished the reopen their procedures before SAR were assisted by BHC in doing so and were allowed to re-enter their procedure by SAR with no complications.

3.6. Readmissions

The situation with the readmission of status holders returned to Bulgaria as the country granting the status was similar in terms of the small number of transfers. In 2017 in total 401 readmissions to Bulgaria were

²⁸ SAR, 30,6% or 6251 procedures suspended; 46,7% or 9551 procedures terminated; 23% or 4624 decisions on the substance;

²⁹ 446 Dublin returns to Bulgaria implemented in 2017;

³⁰ Germany – 2,164 requests/100 implemented returns, France – 1,707 requests/26 implemented returns, Austria – 1,359 requests / 75 implemented returns;

effectively implemented. The top 3 countries from which readmission took place were Romania with 233 readmitted individuals, Germany with 78 readmitted individuals and Greece with 44 readmitted individuals. Another 46 individuals were readmitted to Bulgaria from other countries.

Out of all individuals readmitted to Bulgaria 206 individuals were granted international protection, of whom 78 status holders readmitted from Germany, 2 status holder readmitted from Greece and 126 status holders readmitted from other countries.

In 2017 a total of 405 individuals have been readmitted from Bulgaria (under readmission agreements) to the following countries:

Greece – 35 individuals, of whom citizens of Afghanistan-10; India-10 ; Pakistan-5; Iraq-4; Iran-2; Azerbaijan-Kazakhstan, West Sahara, Egypt by one;
Macedonia – 37 individuals, of whom citizens of Macedonia-20; Albania-13; Kosovo-4;
Serbia – 9 persons, 8 citizens of Serbia and one Afghani;
Romania – 5 persons, 3 Romanian citizens and 2 French;
Turkey – 105 Turkish citizens;
Germany –Germans-4; Syria-2;
Russia – 5 Russian citizens;
Georgia – 4 Georgian citizens;
Sri Lanka – 54 citizens of Sri Lanka;
Pakistan-129;
Moldova-4;
Azerbaijan-3;
Ukraine-2;
Armenia-4;
Italy-one citizen of Pakistan;
Bosna and Herzegovina-1;
France- 1.

In execution of coercive administrative measures under the Aliens Act through the border crossing points (passenger stream) with the Republic of Turkey 14 nationals of third countries are returned voluntary:

Morocco-5;
China-4;
Tunisia-2;
Iran-2;
Mauritania-1.

CHAPTER IV CONCLUSIONS AND RECOMMENDATIONS

4.1. Conclusions

Bulgaria remains a transit country for the vast majority of third-country nationals entering the country. With few exceptions, asylum-seekers use irregular routes to enter Bulgaria. Though pressure of mixed-migratory flows along Bulgaria's external borders has considerably reduced, the effective coordination among the partners under the Tripartite Memorandum of Understanding – UNHCR, GDBP-MOI, and BHC – remains critical in order to safeguard the effective access to the territory for foreigners seeking international protection. The MoU remains an effective framework of partnership and collaboration which contributes to assisting the Government of Bulgaria in fulfilling its national, regional and international obligations on international protection.

4.1.1. In 2017, Bulgaria experienced a sharp decrease by 84,1 % in the migratory pressure, as compared to 2016 . The Bulgarian-Turkish green border continues to be the main entry point where we saw an 88% decrease, as compared to 2016. The border with Turkey remained the most used route to irregularly enter Bulgaria with 651 out of the total 743 detected entries (88%). No arrivals using the Black sea route were reported. The Black sea is not used as a migratory route to reach Bulgaria, as Romania appears to be the preferred and more direct route by the smugglers. The Black sea is also known as a dangerous water route, especially during the fall and winter period, and the old and unsafe vessels used by the smugglers from Turkey are not a safe option.

4.1.2. While the number of attempts to exit Bulgaria – 2,413 individuals have decreased by 83%, as compared to 2016, they still exceed three time the irregular entries – 743 individuals. This tendency raises the concern of the continuous existence of smuggling channels and their functioning on the territory of Bulgaria, as 20% of those apprehended at the exit borders have no prior registration at MoI database and have crossed the country without being detected. Serbia continues to be the main exit destination, however due to the increased military presence at the Serbian border, new routes were explored through Romania.

4.1.3. Persons who might be in need of international protection were subjected to denial of entry from Turkey to Bulgaria, and potential push-backs, on the grounds of irregular entry or irregular presence or lacking valid identity documentation.

4.1.4. The number of asylum-seekers arriving at the official crossing points increased in 2017 as compared to 2016 (32% of the total number of recorded entries as compared to 25% in 2016). At the same time the number of entries through the green border continues to prevail. This tendency could be explained by the lack of proper travel documents of the apprehended TCNs or by the advice of the smugglers who are holding the documents of the TCNs and are interested only in their profits.

4.1.5. While Afghanistan was the main country of origin for those who applied for protection (31% of all claims), and of those apprehended on exit, Syria was the top country of origin for the TCNs apprehended for irregular entry (35%). One of many possible explanations for this could be that is that the TCN who come from Afghanistan and apply for international protection in Bulgaria have the lowest recognition rate.

4.1.6. General compliance with the principle of non-penalization of asylum-seekers on account of their irregular entry was observed, with 15 cases (2%) of non-compliance reported.

4.1.7. Referral of unaccompanied or separated children to the relevant state institutions was only respected at entry borders. The unaccompanied children apprehended inside the territory or on exit were detained in violation of the national law by “attaching” them to unrelated adult individuals or by registering them as adults contrary to their statement or – in some cases, their evident infancy. Although the attachment to unrelated adults decreased as compared to 2016 (198 in 2016; 141 in 2017) it is still applied widely by all police authorities against the safeguards for the protection of children.

4.1.8. For over 20 years the border and immigration authorities have been lacking and continue to lack sustainable translation/interpretation services from specific languages at their disposal which leads to, among others, limiting the ability of asylum-seekers to communicate their needs in a timely manner to the border and immigration authorities.

4.1.9. The Border Police by and large guaranteed the asylum-seekers’ right to information. After having received asylum-seekers under their custody in the border detention facilities, the Border Police have provided the asylum-seekers with the information brochures in multiple languages, received their application for international protection and referred them to the relevant authorities through the established channels.

4.1.10. NGO partners continue to provide support and assistance to the border authorities in meeting the specific needs of vulnerable individuals in their custody. The General Directorate Border Police undertook steps to start improving the conditions in some of the 24 hours police detention facilities.

4.2 Recommendations

4.2.1. Border management mechanisms shall be protection sensitive, respecting fundamental human rights, including the principle of non-refoulement, non-penalization for irregular entry and the right to seek asylum.

4.2.2. Legal channels to enter the territory shall be promoted, including humanitarian visas, family reunion and resettlement.

4.2.3. The Government should ensure that third-country nationals who arrive at the border and may be in need of international protection are provided effective access to information on when and how the applications for international protection may be lodged, including and the provision of adequate interpretation.

4.2.4. The Government should ensure that individuals, who have expressed their wish to apply for protection, are not transferred to an immigration detention facility, but are directly registered as asylum-seekers and transferred to a SAR reception facility.

4.2.5. The Government, with support from UNHCR, should ensure that child friendly information materials are produced and distributed in all border areas. The BHC and the UNHCR should ensure that protection information materials are regularly updated and available in multiple languages, including rare ones.

4.2.6. The Government should ensure that social workers of child protection services are available and present at any time during the procedures conducted with UAMs at the border, including by maintaining and promoting the good practice of BPS Svilengrad where social workers' presence during the procedures and appropriate accommodation and care within the national child protection system, where necessary, is ensured.

4.2.7. The Government should ensure sustainable translation/interpretation services for the relevant border and migration authorities including in the border areas so that persons in need of international protection can communicate their needs promptly.

4.2.8. The Government should allocate sufficient resources to provide regular training and capacity building support to the border police officials, to allow for a workforce adapted to the realities of mixed migration flows and the rights of asylum-seekers and refugees.

4.2.9. In collaboration with GDBP, UNHCR and BHC should provide at least 1 training to the prosecutors in the most active border region neighboring Turkey.

4.2.10. The Tripartite Working Group should hold its regular meetings on a monthly basis as well as regularly exchange information and ensure follow up.

4.2.11. The Tripartite Working Group should undertake three joint monitoring missions a year.

4.2.12. The Government should promote, in close collaboration with UNHCR and the BHC, the establishment of cross-border cooperation and monitoring mechanism concerning Bulgarian-Turkish, Bulgarian-Greek, and Bulgarian-Serbian borders.

4.2.13. The Government should ensure sufficient funds are available to continue to renovate and conduct maintenance work on all border police detention facilities so that conditions are conform to international standards.

4.2.14. The government should take all necessary steps to combat smuggling and trafficking, including by prosecuting and punishing crimes related to smuggling and trafficking in border areas.

Sofia, 25 June 2018