



BULGARIA

Annual border monitoring report

2019



NATIONAL BORDER MONITORING FRAMEWORK

Memorandum of Understanding

The Tripartite Memorandum of Understanding (MoU) 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 within the Mol. The Memorandum sets out coordination and cooperation mechanisms for the monitoring and support of persons seeking access to the territory and to the asylum procedure in the Republic of Bulgaria.

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's 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. TWG meets at least three times per year.

The report is drafted following Article 4.2, Section IV of the TWG Internal Rules of Procedure.



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 meetings of the TWG.

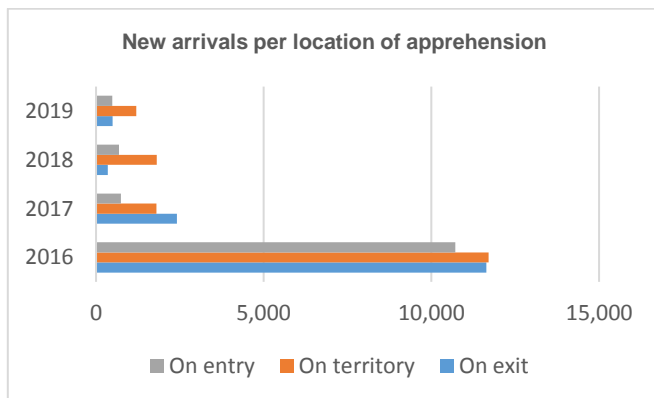
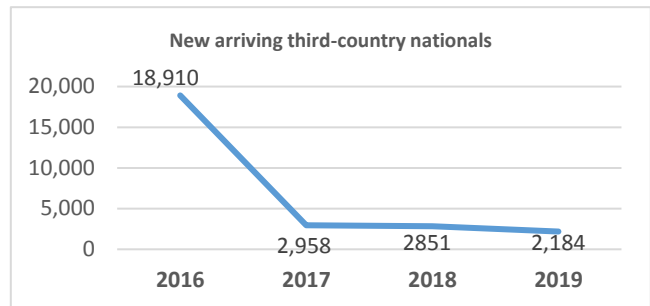
In 2019 BHC conducted 535 border monitoring visits on the Bulgarian-Turkish border. In 2019 no arrivals by sea were monitored or reported, neither related to access to the territory of persons in need of international protection, when re-admitted to Bulgaria as far as their access was unhindered and secured by the national legal arrangements, implemented fully and precisely by the border police authorities.

ACCESS TO TERRITORY IN THE CONTEXT OF MIXED MIGRATION

General context

In 2019 the migration pressure in Bulgaria remained at levels similar to the previous year of 2018.

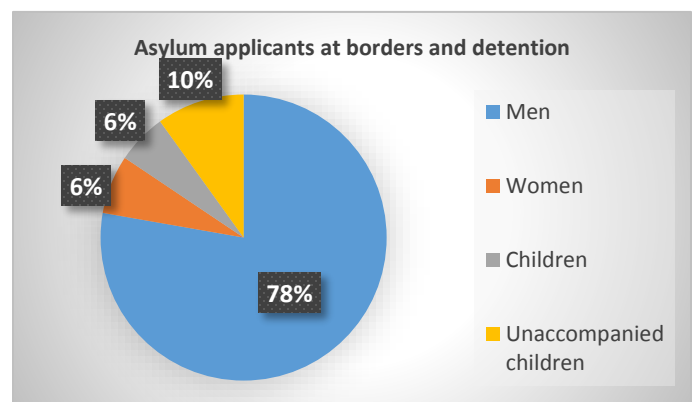
The MOI have reported 2,184 new arrivals by third-country nationals, the majority of whom were from the Middle East. The statistics indicated a decrease by 3% compared to 2018 when 2,851 refugees and migrants entered irregularly the borders of Bulgaria.



In 2019 of total 2,184 irregular third country nationals, apprehended by the different police authorities, 22% or 489 individuals were stopped at entry borders, 23% or 494 individuals were stopped on exit and 55% or 1201 individuals within the country's territory.

Out of all 2,184 new arrivals in 2019 altogether 61% applied for asylum, of whom 31% or 675 individuals at national borders and 30% or 668 individuals in the immigration detention centers.

46% of all 675 border applicants (309 individuals) were apprehended at entry borders and 52% (354 individuals) at exit borders. Just 2% or 12 individuals of all border applicants got direct access to procedure without detention. The rest 98% were detained in MOI removal centers.



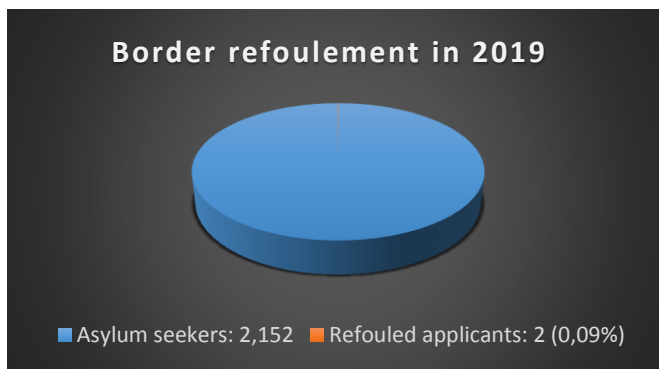
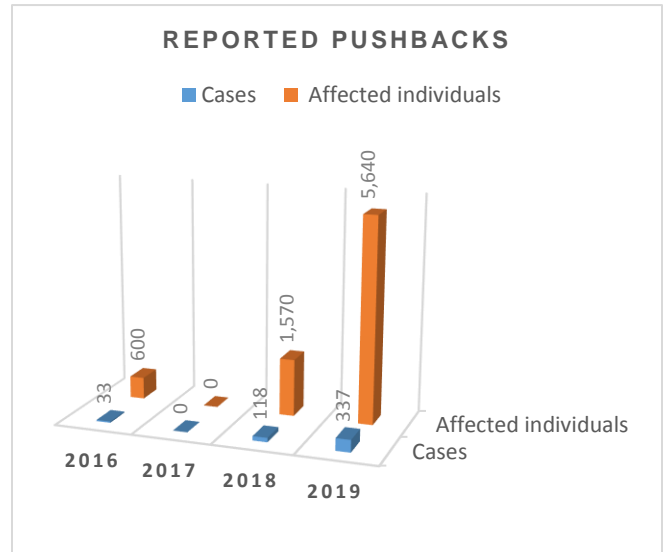
ACCESS TO TERRITORY IN THE CONTEXT OF MIXED MIGRATION

Situation on entry

No border arrangements exist for a differentiated approach in order to allow access to the territory for those who flee from war or persecution.

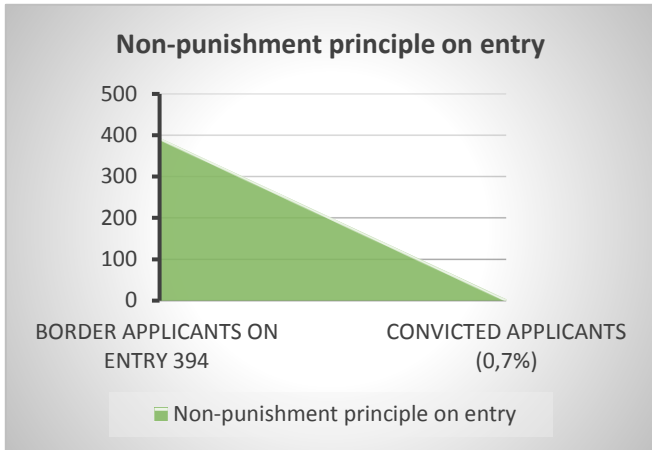
Indirect and direct reports about push backs at the main entry area of the country, which borders Turkey, persisted in 2019. The national border monitoring registered 337 alleged pushback incidents which affected 5,640 individuals. Moreover, the Turkish authorities reported that 90,000 individuals were held in the first nine months of the year in the Edirne Province, which borders both Bulgaria and Greece.

Those who are able to access the territory are also able to transit and exit the country without being detected by the authorities, which is a strategy operated by the latter so as to avoid any responsibility under the Dublin Regulation or under readmission arrangements. As a result, the official statistics on new arrivals are at the lowest since the first influx in 2013.



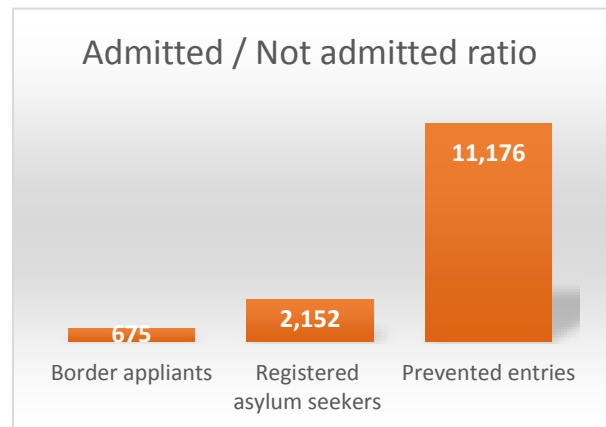
In 2019 two Syrian asylum seekers who reached the reception center in Harmanli have been handed over by the center’s security guards to the police authorities, who reportedly torn their valid passports pushed back the applicants to Turkey later that day.

Refoulement affected 0,09 % of the cases in 2019.



Altogether 1,5% or 10 out of 675 border applicants on entry and exit were convicted for crimes related to violations of the border and entry regime, however, just 0,7% or 3 out of 394 border applicants *on entry* were convicted on account of their irregular entry in violation of the *non-punishment principle* Article 31 of the 1951 Convention.

In 2019 the MOI announced to have prevented 6470 entry attempts along the land borders as well as to have issued 4243 entry refusals (non-admissions) to third country nationals at the official border crossing points. Another 463 entries were prevented by the neighboring border authorities.



Prevented entries exceed by 5 times the number of all registered asylum applicants and by 16 times the number of the registered border applicants.

ACCESS TO TERRITORY IN THE CONTEXT OF MIXED MIGRATION

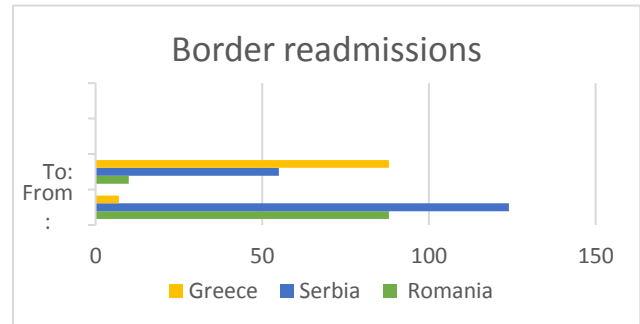
Situation on exit

Asylum seekers are again apprehended *on exit* more than *on entry*, hence they transit the territory undetected.



The new arrivals apprehended on exit exceeded those apprehended on entry with 321 vs. 354 border applicants.

Main exit routes in 2019 shifted back from Romania to Serbia. According to Border police 88 were the readmissions approved of third country to Bulgaria from Romania, 124 from Serbia and 7 from Greece under the formal readmission agreements. All readmissions from Romania were entirely automatic without providing an opportunity to individuals to apply for asylum.



In 2019 the majority of 255 persons apprehended on exit to Serbia were detected by the Bulgarian border police with just 161 formal readmissions.

In the same time all 103 persons who applied on exit at the Bulgarian-Romanian border were formally readmitted to the national territory by the Romanian border authorities.

CONCLUSIONS

The majority of the third-country nationals who enter Bulgaria continue to consider it as a transit country. Still no formal or practical arrangements or measures are established to ensure a differentiated approach to border management that gives access to the territory and protection for those who flee from war or persecution. With few exceptions, asylum-seekers use irregular routes to enter Bulgaria. Though pressure of mixed-migratory flows along Bulgaria's borders in 2019 sustained at the same reduced levels as during the previous year, the effective coordination among the partners under the Tripartite Memorandum of Understanding –GDBP-MOI, UNHCR and BHC – remains critical in order to safeguard the effective access to the territory for foreigners seeking international protection. Three trainings for the border guards were organized and conducted. For almost 10 years the MoU has proven to be 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.

- 1). In 2019, Bulgaria experienced low migration pressure similar to the levels in 2018 with a 3% decrease. Furthermore, the number of newly arrived was the lowest one since 2013, when Bulgaria experienced for the first time significant migratory pressure.
- 2). Persons who might be in need of international protection were subject to denial of entry from Turkey to Bulgaria, and potential push-backs, on the grounds of irregular entry or the irregular presence or lacking valid identity documentation.
- 3). Only an insignificant number of those who submitted their asylum claims at the entry border (2%) had direct access to status determination procedures without detention.
- 4). General compliance with the principle of non-penalization of asylum-seekers on account of their irregular entry was observed, with only 3 of the border applicants on entry (0.7 %) convicted on account of irregular entry.

RECOMMENDATIONS

Based on the developments in 2019 the parties of the Tripartite Memorandum of Understanding make the following recommendations to the respective Government authorities:

- 1). In drafting the National Strategy for Integrated Border Management, the National Council on Migration, Borders, Asylum and Integration shall ensure that its policies are both effective and “protection-sensitive”, where fundamental human rights are respected, including the principle of non-refoulement, non-penalization for irregular entry and the right to seek asylum.
- 2). Legal channels to enter the territory shall be promoted and applied, including humanitarian visas, family reunion and resettlement.
- 3). The responsible Government authorities should ensure that third-country nationals who arrive at the border, including airport transit zones, 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 the provision of adequate interpretation.
- 4). The responsible Government authorities 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.
- 5). The responsible Government authorities 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.
- 6). The Tripartite Working Group should hold its regular meetings on a quarterly basis as well as regularly exchange information and ensure follow up.
- 7). The Tripartite Working Group should undertake three joint monitoring missions a year.
- 8). The responsible Government authorities 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 and Bulgarian-Romanian borders.

Sofia, 30 April 2020