ANNUAL REPORT
ON BORDER MONITORING

BULGARIA
2020

25 APRIL 2021
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 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 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 2020 BHC conducted 509 border monitoring visits on the Bulgarian-Turkish border. The established 59 sea arrivals were not reported for monitoring, neither those related to access to the territory upon readmission to Bulgaria as far as this access proved unhindered and secured by the national legal arrangements, implemented fully and precisely by the border police authorities.
ACCESS TO THE TERRITORY IN THE CONTEXT OF MIXED MIGRATION

General context

In 2020 the migratory pressure significantly increased despite the COVID-19 restrictions.

The MOI have reported 3487 new arrivals by third country nationals, the majority of whom were from the Middle East. The statistics indicated an increase by 60% compared to 2019 when 2184 refugees and migrants entered irregularly the borders of Bulgaria.

Out of total 3487 third country nationals, apprehended by the different police authorities, 15% or 510 individuals were stopped at entry borders, 26% or 924 individuals were stopped on exit and 59% or 2053 individuals within the country’s territory.

Out of all 3487 new arrivals altogether 100% applied for asylum, of whom 30% or 1056 individuals at national borders, 49% or 1725 individuals in the immigration detention centers and 21% or 744 individuals at the asylum agency or other government authorities.
ACCESS TO THE TERRITORY IN THE CONTEXT OF MIXED MIGRATION

Situation on entry

Direct and indirect pushback* reports along the main entry border with Turkey continued in 2020. The national border monitoring registered alleged 1067 pushback incidents, which affected 15173 individuals.

Indirect pushback was applied in 22%, or 498 incidents which affected 3403 individuals, while in 78%, or 569 incidents, 11770 individuals have been pushed back directly from the country's territory.

28% (296 individuals) from all 1056 border applicants, have been apprehended on entry, while 72% (760 individuals) — on exit.

Just 1% or 15 border applicants have been granted direct access to asylum procedure without detention. The rest 99% or 1041 border applicants have been referred to the pre-removal detention facilities of the MOI.

Access to procedure and protection

In 2020 1% of the asylum applicants at entry borders had a direct access to procedure without detention.

* “Direct” pushbacks are implemented when the individual is returned from the country’s territory, while the “Indirect” pushbacks are applied along the borderline by preventing the individual to cross it.
ACCESS TO THE TERRITORY IN THE CONTEXT OF MIXED MIGRATION

Situation on entry

![Graph showing the non-punishment principle](image)

Altogether 10% or 109 out of 1056 border applicants on entry and exit were convicted for crimes related to violations of the border and entry regime, which was 7% increase in comparison with the previous year. Moreover, 19% or 57 out of 296 border applicants on entry were convicted on account of their irregular entry.

It represented 18% increase of the violation of the non-punishment principle of Article 31 of the Geneva Convention, perpetrated by the prosecutors and the criminal courts along the Bulgarian-Turkish border.

The MOI have reported to have prevented 12532 entry attempts along the land borders, 152 of which were prevented by the neighbor border police services. Additional 4685 official entry refusals (non-admissions) were issued to third country nationals at the border crossing points.

Prevented entries exceed fourfold the number of registered asylum applications and by 16 times the number of the registered border applicants.
ACCESS TO THE 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.

Out of total 1056 border applicants those apprehended on exit (760 individuals) significantly exceeded those apprehended on entry (296 individuals).

In total 1217 readmissions of third country nationals have been requested during 2020.

From all requested readmissions 14% (169 requests) concerned beneficiaries of international protection and their family members who have been granted legal residence in Bulgaria. Another 16% (191 requests) concerned asylum seekers.

In 2020 the majority of the readmissions were made by Serbia - 91 individuals, followed by Romania with 65 returned individuals. No readmission were implemented from Greece or Northern Macedonia.

Once again the Western Balkans Route via Serbia remained the main transit one from Bulgaria into Europe.
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. In 2020 an increase with 60 % of the mixed-migratory flows along Bulgaria’s borders was observed, as compared to 2019. The effective coordination among the partners under the Tripartite Memorandum of Understanding—GDBP-MOI, UNHCR and BHC proved to be critical in order to safeguard the effective access to the territory for persons seeking international protection. Due to the pandemic situation only one training for the border guards was organized and conducted. For more 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 in the field of international protection.

1). The migration pressure increased as compared to the previous 2019, despite the restriction of the freedom of movement, imposed as a result of the pandemic.

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). Almost all the applicants for international protection who submitted their claims upon entry, were placed in immigration detention, while only 1% had direct access to refugee status determination procedure.

4). In 2020, an increase of the violation of the principle of non-penalization of asylum-seekers on account of irregular entry was observed. 19% of the border applicants were convicted on account of irregular entry, as compared to 0.7 % in 2019.
RECOMMENDATIONS

Based on the developments in 2020 the parties of the Tripartite Memorandum of Understanding make the following recommendations to the respective Government authorities:

1). In implementing the National Strategy for Integrated Border Management (2020 – 2025), the authorities shall ensure that the 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. The respect of these fundamental principles shall be guaranteed during the present situation of global pandemic.

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

3). The government ought to take all the necessary steps to combat the smuggling and trafficking of human beings including by the instruments of prosecution and punishment.

4). 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. BHC and UNHCR should ensure regular update of the protection information materials, as well as their availability, including at rare languages.

5). 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.

6). 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.

7). In cooperation with GDBP, UNHCR and BHC shall ensure at least one training for prosecutors in the regions along to the border with Turkey on issues related to depenalization of irregular entries of asylum seekers.