

ANNUAL REPORT

ON STATUS DETERMINATION PROCEDURE IN BULGARIA

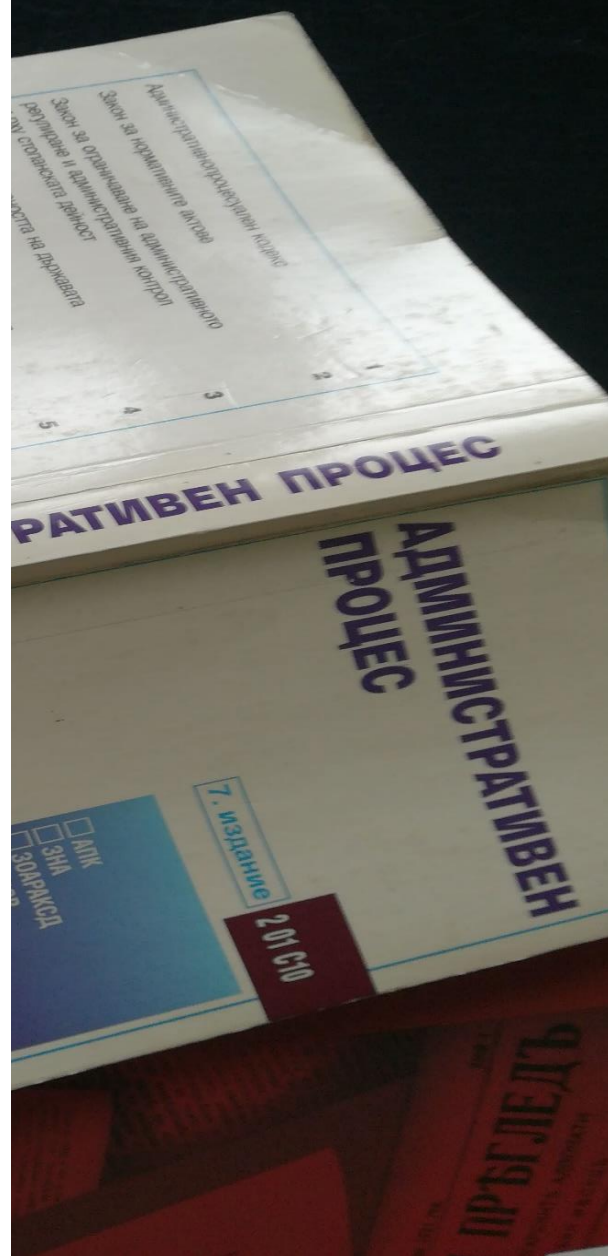
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Bulgarian Helsinki Committee
Refugees and Migrants
Legal Programme



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Introduction

This report is based on monitoring with a focus on the institutional framework and the effective interaction among the various state authorities, as well as on the legal and practical standards for conducting the procedures, as they are regulated in the Law on Asylum and Refugees, and the compliance thereof with the principles of international protection and the general legal standards in the asylum acquis of the European Union (acquis communautaire).

От 1 January – 31 December 2021 the monitoring was carried out by three lawyers, with a focus on the procedural actions at the territorial units of the State Agency for Refugees with the Council of Ministers, the individual administrative decisions issued on applications for international protection, and the court proceedings for examining appeals against such acts.

A total of 500 procedural actions were subject to monitoring, which conform to the same number of applicants for international protection, including 343 men, 53 women, 21 accompanied children (11 boys and 10 girls), and 83 unaccompanied children, including 81 boys and 2 girls.

The types of procedural actions monitored include:

- 100 registrations¹
- 250 interviews in the procedure for granting international protection²
- 100 decisions on applications for international protection issued by SAR
- 50 court hearings on appeals against SAR's decisions

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¹ Pastrogor TC: 13; Harmanli RRC: 16; Banya RRC: 25; Ovcha Kupel-Sofia RRC: 0; Vrazhdebna-Sofia RRC: 0...; Voenna Rampa-Sofia RRC: 42; Lyubimets Detention center: 0; Busmantsi Detention center: 4.

² Pastrogor TC: 19; Harmanli RRC: 95; Banya RRC: 69; Ovcha Kupel-Sofia RRC: 28; Vrazhdebna-Sofia RRC: 26; Voenna Rampa-Sofia RRC: 12; Lyubimets Detention center: 0; Busmantsi detention center: 1.

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Part I. Methodology

The monitoring covers the procedure for granting international protection conducted by the State Agency for Refugees with the Council of Ministers (SAR) under the terms and the procedure laid down in the Law on Asylum and Refugees. Pursuant to the Law³ SAR is the competent national authority which carries out the registration and examination of individual applications for international protection lodged on the territory of the Republic of Bulgaria, and takes decisions on these applications – decisions for granting refugee status and humanitarian status, for terminating the procedure, for refusing international protection, decisions on the admissibility of the application for international protection, as well as decisions in the procedure for determining the state responsible for examining the application for international protection, and on family reunification.

The monitoring encompasses all the phases of the procedural actions conducted by the administration starting with the registration of asylum-seekers, through the individual stages within the procedure, to serving the decision issued. The quality of the acts (decisions) delivered by SAR in the administrative procedure and in the court proceedings against negative decisions on applications for international protection are also part of the monitoring.

The monitoring takes place on a weekly ad hoc basis, and consists of gathering data about the ways, means and practices for conducting the procedures under LAR, which is entered in standard forms for interview evaluation (Annex 1), decision evaluation (Annex 2), and monitoring of court proceedings (Annex 3).

The monitoring of the procedure at the administrative stage takes place at SAR's territorial units, namely the Registration-and-Reception Centres (RRC) in the city of Sofia, the village of Banya, Nova Zagora municipality, and the city of Harmanli; the Transit Centre (TC) in the village of Pastrogor, Svilengrad municipality; SAR's closed-type unit subordinate to SAR opened in 2016⁴ in Sofia-SHTAF (Busmantsi area) for the purpose of conducting the procedure in detention within the shortest possible time, as well as at SHTAF with MOI's Migration Directorate where procedural actions for examining applications for international protection were still carried out in 2021.

The monitoring of the acts (decisions) issued by the administrative authority in these procedures takes place at SAR's territorial units, while the monitoring of judicial proceedings on appeals against negative

³ Art. 2 (3) of the Law on Asylum and Refugees (LAR);

⁴ Art. 456 in conjunction with Art. 47 (4) of LAR;

decisions takes place at the relevant administrative courts and the Supreme Administrative Court as the last instance of cassation.

On a proposal by the State Agency for Refugees, it has been agreed that as from 2020 an equal number of actions of a particular type will be monitored, which would ensure an objective possibility for statistical comparison and comparability of the results in the current report against the reports and the situation in previous periods.

In view of the above, since 1 January 2020 the monitoring has been conducted on the basis of absolute and constant quantitative indicators determined in advance with the aim to apply a simplified and comparable tool for statistical analysis, namely: 100 registrations, 250 interviews, 100 individual administrative acts, and 50 judicial proceedings.

The emergency situation in the country related to the COVID-19 pandemic in 2020, however, rendered it impossible to deliver the precise numbers of cases monitored, as planned in advance. For the above reason, the 2020 monitoring did not achieved full precision in terms of the quantitative indicators planned in advance; what has been implemented is:

- 149% (149 of 100) for the monitoring of registrations
- 90% (226 of 250) for the monitoring of interviews
- 68% (68 of 100) for the assessment of administrative decisions
- 34% (17 of 50) for the monitoring of judicial proceedings.

The 2021 monitoring, however, has delivered the precise number of quantitative indicators, as planned in advance:

- 100% (100 of 100) for the monitoring of registrations
- 100% (250 of 250) for the monitoring of interviews
- 100% (100 of 100) for the assessment of administrative decisions
- 100% (50 of 50) for the monitoring of judicial proceedings.

While the expression of the 2020 factual findings as a percentage does not allow full comparability with the outcomes from the 2021 monitoring, it is very close to the default baseline for comparison.

Part II. Findings

2.1. Status determination procedure

2.1.1. Access to the procedure and registration

a). Time limit for registration

The national legislation regulates⁵ the right to lodge an application for international protection both before an official from the State Agency for Refugees with the Council of Ministers (SAR) and before other state authorities who are obliged to immediately forward the application to SAR. The latter are usually MOI bodies involved in the administrative control of borders (General Directorate Border Police, GDBP) or the administrative control of foreign nationals (Migration Directorate, MD).

By way of rule, the applicants who have lodged a claim for international protection before an official of SAR shall be registered within 3 working days⁶ from the lodging of the application. When the application has been lodged before another state authority⁷, in most cases MOI's bodies, the applicant shall be registered by SAR within 6 working days⁸ from the lodging of the application.

In 2021, the epidemiological measures to counter COVID-19 continued to be applied, including a mandatory 10-day quarantine with an entry and an exit PCR test for all illegally arriving foreigners, including asylum-seekers who lodged an application before the police authorities at MOI's deportation centres (SHTAF). In the event of a positive PCR test, the quarantine could be extended several times by one week till a negative test result. This is the reason why the respective quarantine period was not included in the calculations in relation to the observance of the 6-day registration time limit applicable in these cases. The year 2021 marked a substantial improvement in terms of observing the time limit for the personal registration of asylum-seekers lodging their applications before MOI's authorities at a SHTAF, the average time limit being 7 calendar days, respectively, 5 working days, and a delay by 0 days. As a result of this, out of all the foreigners lodging an application at SHTAF, 86%⁹ were released within the mandatory 6-working day time, and 0% were unlawfully detained for over 6 months.

⁵ Art. 58, (3 and 4) of LAR;

⁶ Art. 61 (2) of LAR;

⁷ Art.58 (4) of LAR;

⁸ Art.58 (4) of LAR;

⁹ 7,382 asylum-seekers out of a total of 8582 foreigners lodging applications at MOI's detention centers (2020: 1,533 asylum-seekers out of a total of 2,781 foreigners);

b). Procedure at MOI's deportation centres

Pursuant to the national law, in cases of a justified need to detain certain applicants for the purpose of their identification or a check in relation to a potential threat to the national security or public order¹⁰, the Chairperson of the State Agency for Refugees can order detention at a detention centre or a closed-type facility of SAR¹¹.

2021 was yet another year in which SAR continued conducting registrations mostly (53 registrations) at MOI's deportation centres (SHTAF) in violation of the legal provisions regarding the place for the detention of applicants who are in a status determination procedure¹² and the time limits set out in the law for detention during RSD¹³. Out of them, 3 cases of procedural actions carried out at SHTAF were monitored, including 2 registrations and one interview. The main reason why registrations take place at SHTAF is the fact that the State Agency for National Security (SANS) fails to ensure that its clearance checks are conducted in a timely manner within the 8 calendar days provided for by the law, and, as a result of this, SANS objects to the release of inmates lodging a first application for international protection in respect of whom the check either has not been carried out or has not been completed. The national courts have persisted in regarding this practice as a minor breach of procedural rules and have refused to sanction it.

Conducting registration or proceedings at SHTAF for individuals lodging a repeated application for international protection does not constitute a violation, as the Law does not allow them to remain on the national territory¹⁴, and such applicants can lawfully be subject to enforcement procedures for return (deportation). In 2021 two procedures were conducted under LAR which ended with serving a decision, but these procedures concerned individuals lodging repeated applications for international protection.

c). Refusal of registration at SAR's territorial units

Pursuant to Chapter II, Art. 4 of the Internal Rules on Conducting the Procedure for Granting International Protection at SAR-COM, where an application for international protection is lodged at *one of SAR's units*, the officer in the reception office of the relevant territorial unit receives the application, enters the foreigner's names, nationality, and the date of receiving the application in the ledger kept in the reception office. The officer shall immediately forward the application to his/her immediate superior. The latter shall ensure the translation and the incoming number for the application on the day of the receipt thereof, and then he/she shall order checking the application.

¹⁰ Art. 45b (2), p.3 of LAR in conjunction with Art.8 (3), b.“e” of Directive 2013/33/EC (Reception Conditions Directive);

¹¹ Art.45b in conj. with Art.47 (4) of LAR;

¹² Art.45b in conj. with Art.47 (4) of LAR;

¹³ Art.45b (1) in conj. with Art.45d (5) of LAR;

¹⁴ Art. 76c (2) of LAR;

In 2021 SAR continued its 8-year unlawful practice of refusing the registration of applicants for international protection when the latter appear in person and directly at one of its RRCs. Instead of registering the application for international protection, SAR's staff continued to alert the local police department in view of the detention of the applicants concerned, as a result of which the applicants were detained by MOI and placed at a detention centre (SHTAF). It is only after being detained by MOI that the individuals concerned were allowed to file an application for international protection in writing at SHTAF, which was then forwarded to SAR. The 2021 monitoring has found 196 cases, of which 123 cases at Voenna Rampa-Sofia RRC, 68 at Ovcha Kupel-Sofia RRC, and 5 at Vrajdebna-Sofia RRC. The individuals affected by this unlawful practice include both accompanied and unaccompanied children, and a seven-months-pregnant woman. In the cases with unaccompanied children, the order for their short-term accommodation at SHTAF issued by the Migration Directorate contained either a false date of birth or the name of an accompanying adult who, however, did not have either the required power of representation¹⁵, the necessary family bond¹⁶ or any link to the child, which was in violation of the law.

Another reason identified for the detention of asylum-seekers and their accommodation at SHTAF is the continuing lack of arrangements at the registration-and-reception centres for the registration and accommodation of asylum-seekers outside SAR's office hours and during weekends or bank holidays. Taking into account the reasons why asylum-seekers flee their homes and the ways in which they reach Bulgaria, they can hardly plan their arrival at SAR's units within the time limit of office hours. Hence, asylum-seekers, including families with children, are left on the street and are detained by MOI officers.

2.1.2. Vulnerable groups

SAR's staff are obliged to take into consideration¹⁷ the specific situation and the special needs of foreigners belonging to a vulnerable group at each stage of the asylum procedure.

The Law defines¹⁸ "persons from a vulnerable group" as minor or underage persons, unaccompanied minor and underage persons, people with disabilities, elderly people, pregnant women, single parents with underage children, victims of human trafficking, persons with serious health conditions, persons with mental disorders, and survivors of torture, rape or other serious forms of mental, physical or sexual violence.

According to the standards set out¹⁹ the early identification of an applicant's vulnerability or special needs should be done at the earliest stage possible, which in the context of the asylum procedure means

¹⁵ §2, p.2 of the Additional Provisions of the Aliens in the Republic of Bulgaria Act;

¹⁶ §2, p.3 of the Additional Provisions of the Aliens in the Republic of Bulgaria Act;

¹⁷ Art. 30a of LAR;

¹⁸ §1, p. 17 of the Additional Provisions of LAR;

¹⁹ <http://www.unhcr-centraleurope.org/en/what-we-do/caring-for-the-vulnerable/caring-for-the-vulnerable-in-asylum.html> , and <http://www.unhcr.org/4371fa162.pdf>

that this identification should take place during or right after the personal registration at SAR's centres. In conformity with SAR's rules²⁰, 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.

The monitoring has found that in 2021 SAR's social experts attended 51% (51 cases) of the registrations of applicants for international protection.

Belonging to a vulnerable group can also be established by SAR's staff on the basis of data gathered during the applicant's registration²¹, the initial²² or subsequent²³ medical screening, psychiatric consultation²⁴ or expert examination for age determination²⁵, as well as via any other valid actions, evidence or means of evidence laid down in SAR 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 SAR's relevant territorial unit where the applicant is accommodated.

The monitoring has found that out of all the interviews and registrations monitored, a social interview was also conducted with the applicants in 62% (145 case out of 350) of the cases with the aim to identify their needs for medical care or clothes. The monitoring registers a social interview with the applicant as being conducted if his/her file contains written evidence for the interview or if the applicant states that his/her needs have been assessed.

The amendments to the Law made in October 2020 introduced a provision²⁶, stipulating that where a person seeking international protection is established as belonging to a vulnerable group or as having special needs, a needs identification and assessment shall be carried out, and, if necessary, a support plan shall be drawn up. Pursuant to the amendments, the documents drawn up to certify the applicant's special situation or his/her special needs shall be attached to his/her personal file, and shall be taken into consideration for the purpose of the procedure, regardless of the stage at which they were established.

²⁰ Art.29 (2) of SAR's Internal Rules;

²¹ Art.61 (2) of LAR;

²² Art.61 (6) of LAR;

²³ Art.61 (5) of LAR;

²⁴ Art.63a (6) of LAR;

²⁵ Art.61 (3) of LAR;

²⁶ Art.30a of LAR;

The 2021 monitoring has found that in 9% (32) of the cases the files of vulnerable applicants contained documents certifying the needs identification and assessment which were drafted and attached by SAR's social experts in relation to the vulnerability of the relevant applicant.

If the applicant from a vulnerable group expresses their wish to receive legal aid, the director of SAR's relevant territorial unit where the applicant is accommodated or a person authorized thereby will send, within 3 days from receiving the information note, a letter by post, fax or e-mail to NBLA's Chairperson with the request to designate a lawyer who will provide legal aid within the framework of the agreement.

The monitoring has found that 2 out of the total number of 12 vulnerable individuals identified (vulnerable children excluded) had legal aid appointed by NBLA in 2021, which amounts to 16% of the vulnerable individuals who are not unaccompanied children

2.1.3. Procedures for unaccompanied children

a). Representation of unaccompanied children

Since October 2020²⁷ the representation of unaccompanied children in the course of the procedure and after being granted a status has been ensured by the National Bureau for Legal Aid²⁸. The Law requires that the lawyers involved in legal aid should have the necessary qualifications to also act as representatives in compliance with the best interests of the child. In 2021 NBLA appointed 3,029 representatives for unaccompanied children, which amounts to 95% of the total number of unaccompanied children (3,172 children) registered by SAR as applicants for international protection in that year. As the procedure was terminated for 1,550 of these children, it was 1,479 unaccompanied children that received representation via legal aid under Art. 25.

b). Special conditions for unaccompanied children

The Law stipulates that SAR shall ensure control and take measures to protect minor and underage asylum seekers against physical or mental violence, cruel, inhuman or humiliating treatment. In 2019 the so-called "safe area" in Voenna Rampa shelter at RRC-Sofia became operational, which ensured adequate 24-hour care, accommodation and specialized services for unaccompanied minor and underage children. This safe area can accommodate 150 children and is located on the second, third and fourth floors of unit "B" of the RRC. As the Voenna Rampa shelter is designated for the accommodation of applicants from Afghanistan, Pakistan and Iran, it is only unaccompanied children of Afghan origin that benefit from this area, who generally constitute the majority of the unaccompanied children asylum seeking in Bulgaria. The unaccompanied children of Arab or another origin were accommodated in the

²⁷ Law on Amending and Supplementing LAR, SG No 89 of 16 October 2020;

²⁸ Art. 25 of LAR;

second safe area at the Ovcha Kupel shelter of RRC-Sofia which was commissioned in January 2020 and has been operational ever since. The Ovcha Kupel shelter has a separate floor within the RRC designated as a “safe area”. The designation and functioning of safe areas on the premises of SAR’s centres is financed from the Asylum, Migration and Integration Fund (AMIF) and is implemented by the International Organisation for Migration.

Due to the surging number of unaccompanied children in 2021 which reached 3,172, the two safe areas at Sofia RRC proved to be highly insufficient to accommodate all the unaccompanied children seeking international protection in Bulgaria. The monitoring has found that in 2021 unaccompanied children were accommodated outside the safe areas, in areas with mixed inmates in both Ovcha Kupel and Voenna Rampa shelters, as well as in Vrazhdebna-Sofia RRC and Harmanli RRC. In addition, the monitoring has revealed that, due to the measures against Covid-19, the children were placed under mandatory 10-day quarantine in areas outside the safe area, and in many cases the unaccompanied children, including minors aged under 14, were locked alone in rooms for a long period of time. In late 2021, SAR committed to providing the children with adequate games and means for communication with them during the quarantine. In early 2022 SAR informed about having provided sets for playing chess and cards; however, as the children are in isolation while being under quarantine, such games are not adequate or sufficient to help cope with the feelings of isolation and loneliness.

The main issue with the representation of unaccompanied children identified in 2021 was the failure of SAR to approach in a timely manner NBLA with a request for the appointment of a representative under Art. 25 of LAR. The monitoring has found individual cases in which, after the registration by SAR, NBLA was notified about the appointment of a representative of the unaccompanied children with a delay of up to 1 month. During that time, the children are deprived of the protection provided by their representatives, and this lack of protection affects not only their rights within the proceedings on their application for international protection, but also other rights, including access to healthcare and medical interventions needed for protecting their health and life.

The monitoring has found that when NBLA received a request for appointing a representative under Art. 25 for an unaccompanied child, it designated and appointed a representative within up to 5 calendar days and immediately notified thereof the relevant territorial unit where the child was accommodated.

However, the monitoring has revealed that in 100% of the cases SAR failed to comply with its legal obligation²⁹ to immediately inform the unaccompanied child about the representative appointed and serve thereon a copy of the decision for the appointment. It is the notification that can inform the child about who the appointed lawyer is, who is in charge of his/her case, as well contact data in case the child wishes to get in touch with the representative, if necessary.

²⁹ Art. 25 (5) of LAR;

The 2021 monitoring has found that 100% or all the interviews of unaccompanied children monitored had a representative appointed under Art. 25 of LAR, and this representative attended the interview.

c). Legal assistance

The Law stipulates that unaccompanied minor or underage foreigners seeking international protection shall be represented in the proceedings before SAR by a lawyer from the legal aid register of the National Bureau for Legal Aid designated by the Bureau's Chairperson or an official empowered thereby. Therefore, the representatives appointed for unaccompanied children have the powers to provide legal assistance, counselling and procedural protection, and representation of the unaccompanied children whom they represent.

Furthermore, the Law stipulates³⁰ that the representative shall have the necessary knowledge which will allow him/ her to help the unaccompanied minor or underage foreigner, in conformity with the principle of the best interests of the child, to exercise his/her rights and fulfil his/her obligations, as provided for in this Law. In June 2021 NBLA, together with UNHCR, conducted trainings for NBLA lawyers who are registered with the bar associations in Sofia, Haskovo, and Sliven. In July 2021 NBLA made the first selection of lawyers for representation under Art. 25 of LAR, and designated as representatives of unaccompanied children 16 lawyers from Sofia bar association, 8 lawyers from Haskovo bar association, and 3 lawyers from Sliven bar association.

d). Determination of the best interest

SAR has forms approved for an expeditious determination of the best interest of the child within up to 3 days from registration, and a full determination within up to 10 days in the event of a (high or medium) risk identified in respect of unaccompanied children. The 2021 monitoring has established the existence of such a form in the file in 54% (30 cases out of a total of 55, of whom 27 unaccompanied and 3 accompanied children) of the cases.

While SAR had sent requests to the relevant Social Assistance Directorate, none of the registrations of unaccompanied children monitored in 2021 was attended by a social worker from the Child Protection Department. Intervention, due to an emerging need, by the relevant social worker in the course of the interviews or other procedural actions conducted with the children has been established only in 1 (one) of the cases monitored, and no subsequent support or intervention by the social workers from the Child Protection Department in favour of unaccompanied children outside the interview or the registration, has been established in any of the cases monitored. It has been established that 3 (three) of the cases monitored were not attended by a social worker. Where social reports had been drawn up, they did not contain an individual risk assessment for each child, as required by the Child Protection Act, but just

³⁰ Art. 25 (2) of LAR;

formal statements about the absence of any risk, the reports being written in an identical language in all the cases monitored. The content of these so-called reports points to the absence of either an individual examination of each case or an individual assessment of each child. This is why, these 'reports' do not facilitate SAR's determining authority in making the decision on the application lodged by the child seeking protection in relation to his/her belonging to a vulnerable group. Therefore, 2022 is yet another year in which urgent upgrading and subsequent regular upgrading of the knowledge and qualifications of the CPD social workers with a focus on the specifics of working with unaccompanied children and the existing durable solutions is required, with a view to improving the quality of their protection in conformity with the standards for the best interests of the children.

The monitoring has established no improvement whatsoever for these indicators in 2021 in terms of the standard for the protection services for unaccompanied children provided by the Child Protection Departments with the relevant regional directorates of the Social Assistance Agency. The interviews monitored have not registered any manifestation of concern or intervention by CPD's representatives even in terms of obvious needs such as clothes and shoes or a visible need for medical assistance due to health issues.

e). Age determination

46 expert examinations for age determination were ordered and carried out in 2021 in cases where the interviewing authority had doubts as to the minority age claimed. As a result of the expert examinations, 37 children seeking international protection have been determined as adults, which amounts to 80% of all the expert examinations for age determination. In spite of the positive changes made in the Law at the end of 2020³¹, which lay down safeguards for the rights of children in respect of whom an expert examination for age determination is performed, 100% of the cases were based on a medical examination, in particular X-ray of the wrist. The methodology and the rules developed for a complex assessment and expert examination for age determination have not been approved by the Council of Ministers in 2021, either.

2.1.4. Provision of information

Pursuant to the Law³² a foreigner who has applied for international protection shall be informed in writing in a language which he/she understands of the procedure to be followed and of his/her rights and obligations, as well as of organisations providing legal and social assistance not later than 15 days from the lodging of the application.

³¹ Art.61a of LAR

³² Art. 58, Art. 8 of LAR, Art. 8 and Art. 12 of Directive 2013/32/EU (Asylum Procedure Directive);

When the circumstances require so, this information may be provided in an oral form. Furthermore, the Law requires³³ that if there are indications that a foreigner who is detained in a detention facility, a special home for temporary accommodation of foreigners, or is at a border check-point, including in a transit area, may wish to file an application for international protection, such an alien shall be provided with information about the opportunity to do so. For this purpose, interpretation shall be ensured to facilitate access to the procedure.

In relation to the implementation of this obligation, the monitoring has established that in 98% (345) of the cases monitored SAR's staff provided asylum-seekers with the induction information regarding the procedure and their rights and obligations. The applicant was duly informed that the data gathered during the registration and the interviews is confidential and will be used only for the purpose of the procedure in 92% (325) of the cases monitored.

The monitoring found, however, that only in 30% (75) of the cases monitored the applicant was informed about the possibility to request that the interview be conducted by an interviewer of the same sex, which represents a certain improvement compared to 2020 when this requirement was met only in 8% of the cases. On the other hand, in 69% (24 of 35) of the monitored cases of women seeking international protection this information was not provided and the applicants were not acquainted with this right, and in 57% (20) of these cases the interview was conducted by a male interviewer. Similarly, in 60% (21) of the monitored procedures with women the applicants were not informed of the possibility to request that interview be conducted with an interpreter of the same sex, and in 34% (12) of these cases the interview was conducted with a male interpreter. This requirement with respect to SAR's staff has been introduced in the Law in order to allow the applicant to tell his/her story in a calm environment, which acquires particular relevance in cases of survivors of sexual abuse or other forms of gender-related abuse.

The induction information has to be provided in writing in a language the applicant understands during registration and has to contain instructions regarding the applicants' rights and obligations. According to SAR, the applicants are acquainted with the regulation for accommodation and the internal rules of RRCs applicable to the applicants accommodated there, as well as with the instructions under the EURODAC Regulation regarding taking fingerprints, and the instructions about the rights and obligations of beneficiaries of international protection.

The monitoring has established that the obligation to provide asylum-seekers with written instructions regarding their rights and obligations upon registration was met in 84% (84) of the procedural actions monitored. This obligation of SAR's was not met in the remaining 16% (16) of the procedural actions monitored. The reason for this, as indicated by SAR's interviewers, is the availability of the information

³³ Art. 58, Art. 6 of LAR, Art. 8 and Art. 12 of Directive 2013/32/EU (Asylum Procedure Directive);

boards and the video monitors installed at places accessible to the applicants, which show animated videos with general information about the procedure conducted by SAR

In 2021, SAR's territorial units did, indeed, continue to show information video materials with explanations regarding the main aspects of the asylum procedure, as well as explanations about restrictions on the movement in specific areas, the rules for exiting such an area and the consequences from the failure to observe these rules. In addition, video materials about the prevention of human trafficking produced by the National Commission for Combating Human Trafficking were shown on a daily basis. SAR's territorial units have boards with information about the place and the working hours within which the applicants can receive information about the state of their asylum procedure from SAR's staff.

The asylum-seekers who are accommodated in closed-type facilities receive information about the internal rules of the relevant facility and about their rights and obligations; the law requires that this information be provided in a language which they understand³⁴. The monitoring has established that the internal rules are displayed on an information board next to the entrance into the building of block No 3 where the closed-type facility is located.

2.1.5. Evidence

The irregular gathering of information about the applicant in the absence of take-over certificates constitutes in all cases a serious breach of the procedural safeguards for the applicant's rights and the reasoned nature of the decision taken on the merits of the application for international protection.

The monitoring of asylum procedures has found that in 2021 the applicants submitted documents in support of their refugee story in 73 of the cases monitored. In 84% (62 cases) of them SAR's determining or interviewing authority drew up a record for the take-over of these documents as a guarantee that the relevant documents will be taken into consideration in deciding on the claim; in the remaining 11% (62 cases) such a record was not drawn up. According to SAR, the submission of evidence in the course of the interview does not necessarily require drawing up a special record; the gathering of such evidence is entered in the record of the interview. However, the above conclusion is based on monitoring the drawing up of a separate record for the submission of evidence, and the recording of the submission of evidence in the course of registration or an interview. The submission of evidence by the applicant for international protection is not always entered in the record of the interview conducted.

In 81% (81 cases) of the registrations monitored the applicants were informed of the need to submit any available evidence in support of their statements, while in the remaining 19% this information was not provided.

³⁴ Art.45e (1), p.5 of LAR;

The monitoring has revealed that in 5 of the cases monitored, when the application was lodged before another state authority, the documents taken away from the applicant were not forwarded in a timely manner to SAR for the purpose of their procedure; hence, the applicant did not have the opportunity to substantiate their refugee story with evidence, which often resulted in the determining authority refusing to accept the applicant's statements as credible.

The monitoring has revealed that in 100% of the cases in which evidence was submitted by the applicants this evidence was translated into the Bulgarian language by SAR so that the determining authority could consider it in examining the application.

2.1.6. Interview

The interview in asylum procedures serves to gather verbal evidence, which is done by drawing up a record with the applicant's statements and their explanations about the reasons to flee the country of origin and seek international protection. The national legislation stipulates³⁵ that a date for the interview shall be fixed right after registration, and the foreigner lodging an application for international protection shall be notified of any follow-up interview in a timely manner.

The monitoring has found that in 2021 such an invitation to the interview monitored was served on the applicants for international protection in 85% (212) of the cases. In 14% (35 persons) of the cases, the applicants either signed the invitation to an interview but were not served a copy thereof, the single copy being attached to their personal file, or did not at all receive a written invitation to an interview, one of these cases being related to an unaccompanied child. In 1% (3) of the cases there was no information whether the applicant was duly served an invitation for the interview. Banya RRC, however, continued in 100% of the cases the unlawful practice of serving the invitations for the interview in the course of the interview itself, which makes the invitation pointless. The failure to fulfil the obligation to duly notify the applicant of the date of the interview scheduled results in the applicant not appearing at the relevant interview for the only reason of being unaware of the arrangement made. However, the applicant's failure to appear at the interview is interpreted by SAR's staff as implicit withdrawal of the asylum application lodged in Bulgaria, and is used as grounds to terminate the status determination procedure. The invitation has, however, yet another procedural aspect: it allows the applicant to use the time from receiving the invitation till the interview itself to prepare for the interview and to gather the evidence available to him/her, as well as to make arrangements for legal aid and representation at his/her initiative. Therefore, failing to serve the invitation in a timely manner or serving it in the course of the interview constitutes a violation of the applicant's right to defence in the administrative procedure for granting international protection.

³⁵ Art. 63a, (1) et. al. of LAR;

The interview is required to be held³⁶ in a language the applicant has requested, and when this is not possible – in a language the applicant understands. The monitoring has found a substantial improvement in this respect, namely putting an end to this breach – in all the cases monitored the procedural actions with the applicants were carried out in a language (from and into that language) that the applicant spoke and understood well.

The Law requires³⁷ audio or audio-visual recording and record keeping in the course of the interview. The monitoring has found audio recording in 100% of the cases monitored in 2021, which constitutes full compliance by SAR with the standard laid down in the Law.

The record from the interview shall be read back to applicant, and shall be signed by the latter, the interpreter and the interviewing authority³⁸. The 2021 monitoring has found that in 24% (86) of the procedural actions monitored, the record from the interview conducted or the registration form from the initial registration of the asylum application lodged were not read back to the applicant before being signed by him/her. Of these actions, 76% (65 of the 86 cases) pertain to a failure to read back the registration form after the registration of the applicant. The registration form contains facts and circumstances relevant to the refugee story which may be incorrectly entered. The read-back of the form before being signed is a safeguard for remedying such inaccuracies. The read-back of the record is an important safeguard to detect or clarify any discrepancies and contradictions among the statements made in the interviews, but, above all, to ensure that all the facts and circumstances stated are duly taken into consideration in their logical sequence when deciding on the application. In confirmation of the aforementioned, the monitoring has established that in 12% (31) of the interviews monitored, inconsistencies were detected, in the course of the interview, between the applicant's statements made upon registration or in the previous interview and the interview monitored or objections were made by the applicant regarding the facts indicated in his/her registration form drawn up upon registration. While the applicant is always allowed to explain the contradictions, certain corrections in the applicant's personal data in SAR's system require presenting an original ID, which is not possible in many cases. 19% of them (6 of these 31 cases) concern underage applicants, 13% (4 of the 31 cases) of whom were unaccompanied children. While the applicant is always allowed to explain the contradictions, certain corrections in the applicant's personal data in SAR's system require presenting an original ID, which is not possible in many cases.

The 2021 monitoring has found that in 11% (40 of the 250 cases) the interviewer failed to keep under control the behaviour of the interpreter used during the interview or the registration. 93% (37 of these 40 cases) have been established at Banya RRC, and 8% (3 of the 40 cases) at Harmanli RRC. In the course of the interview, the interpreter and the interviewer had arguments and raised their voices, and the

³⁶ Art. 63a (8) of LAR;

³⁷ Art. 63a (3) of LAR;

³⁸ Art.63a (9) of LAR;

interpreter even walked several times out of the room in which the procedural actions with the applicants were taking place. A similar environment does not allow the applicant to present his/her fear of persecution in a detailed and systematic way, and it also prevents SAR's official from clarifying the facts and circumstances relevant to making a decision on the application for international protection.

2.1.7. Establishing the facts

The monitoring has established that in 96% (240) of the interviews monitored the applicant's fears in terms of returning to his/her country of origin were examined. The remaining 10 cases were related to an application for family reunification on the territory of the country of residence of a beneficiary of international protection, in which these circumstances are not examined. The grounds for such fears or the absence thereof were examined in 95% of the cases for granting refugee status, and in 93% of the cases for granting humanitarian status. What continues to be a concern, however, is the failure to probe into whether the applicant sought protection in his/her country of origin, and, if not, what are the reasons therefor. In 2021 this was not done in 19% (48 cases) of the procedures monitored. No questions were asked in 18% (45 cases) of the procedures monitored, which amounted to a failure to fully assess the possibility for an internal flight alternative for the applicant. The failure to examine these facts affected the correct assessment of the merits of the claim and the need to grant international protection.

2.1.8. Legal assistance

The state is obliged to ensure conditions³⁹ for the provision of legal aid to foreigners seeking international protection in Bulgaria. By way of principle, natural persons who, due to the lack of financial resources, cannot afford a lawyer for legal counselling and representation are entitled to receive legal aid funded by the state. The state ensures the provision of legal aid through the National Bureau for Legal Aid (NBLA) with the Ministry of Justice.

As from March 2013 applicants for international protection are included⁴⁰ in the category of individuals who are entitled to legal aid funded by the state.

In 2018 MOI and the National Bureau for Legal Aid concluded a partnership agreement financed from the Asylum, Migration and Integration Fund, under which NBLA provides legal aid and administrative assistance for vulnerable groups in status determination procedures within a time frame till 31 January 2021.

³⁹ Art. 23(2) of LAR;

⁴⁰ Art. 22 (8) of the Legal Aid Act;

A bilateral protocol for the implementation of the Agreement⁴¹ between SAR and NBLA sets out the ways to identify vulnerable persons for whom legal aid is needed. The 2020 monitoring has once again established SAR's positive practice in terms of facilitating the provision of legal aid for vulnerable persons, including unaccompanied children, for the purpose of the asylum procedure and the serving of the decision on the claim.

In 2021 legal aid at the administrative stage was provided to 1,479 unaccompanied children and 2 adult applicants with special needs belonging to vulnerable groups.

2.2. Quality of the acts issued on applications for international protection

2.2.1. Timely issuing of the decisions on applications

The monitoring encompassed 100 cases, of which 67 decisions granting humanitarian status, 4 decisions granting refugee status, 15 decisions terminating the procedure, 1 decision refusing international protection, 3 decisions on family reunification, 3 decisions on the admissibility of the application for international protection, 3 decisions on family reunification, 2 decisions on the admissibility of the claim, and 8 decisions in a procedure for determining the state responsible for examining the application for international protection.

The Law requires⁴² that within 4 months from initiating the general procedure the interviewing authority shall draft an opinion which shall be submitted, together with the personal file, to the Chairperson of the State Agency for Refugees for taking a decision.

Within up to 6 months from initiating the general procedure the Chairperson of SAR shall take a decision whereby refugee status or humanitarian status is either granted or refused. The 6-month time limit may be extended by SAR's Chairperson with another 9 months or a total of up to 21 months, which is admissible only in cases of insufficient data gathered in the relevant case. Under such circumstances the applicant shall be notified of the extension of the time limit either in person or by registered mail.

Based on the total of 100 positive and negative decisions on applications monitored in 2021, it has been found that the time limit prescribed in the law was observed in 100% of the administrative acts monitored. Therefore, the **time limits for issuing decisions on applications were, by and large, properly observed, with minimum delays**. The timely manner of taking decisions on applications for international

⁴¹ Protocol on implementing the activity "Providing legal assistance to vulnerable groups of third-country nationals" under Grant Agreement HOME/2016/AMIF/AG/EMAS/0046 "Enhancing the national capacity of the Republic of Bulgaria in the area of asylum, migration, and return" concluded on 1 March 2018;

⁴² Art. 75 of LAR (Version, SG No 52/2007);

protection is a basic procedural safeguard for applicants, as it prevents legal uncertainty for the applicants themselves in terms of their status and prospects, as well as prerequisites for irregularities in the course of the asylum proceedings.

In addition to the findings from the monitoring, SAR has pointed out that, with a view to preventing delays in the status determination procedure, the Internal Rules on Conducting the Procedure⁴³ set out a 2-month time limit from the applicant's registration, compared to the 4-month time limit set out in LAR, within which the interviewing authority is obliged to deliver an opinion and a draft decision. A practice has been introduced according to which the heads of departments within the territorial units in charge of the procedure submit monthly reports to SAR's central administration, whereby they inform about delayed personal files and the reasons for that. The time limit for deciding on the claim is one of the indicators monitored by the Quality of the Status Determination Procedure Directorate within the framework of the internal monitoring in relation to the quality of the decisions issued.

2.2.2. Country of origin information

The monitoring has found that in 55% (55) of the decisions monitored in 2021 the decisions on the applications were based on up-to-date country of origin information compiled by SAR with due reference to the sources of information. The currency of the information is assessed on the basis of the date on which it was gathered and the date of issuing the individual act in view of the explicit rule therefor laid down in the law⁴⁴. In the remaining 45% (45) of the decisions the COI gathered by SAR was not referred to in the decision. Out of these, 33% (15 of 45) were decisions on granting humanitarian status and 9% (4) on granting refugee status. Even in the event of a positive decision granting international protection, it has to contain all the mandatory substantive elements, as required by the Law. The monitoring has established that while the relevant COI is presented with details in the interviewer's opinion, it is not included in the final act issued by SAR. As for the remaining decisions monitored which make no reference to COI, the latter was not required by the Law, as these were 15 decisions on termination of the procedure, 2 on family reunification, and 8 in a procedure for determining the state responsible for examining the application for international protection.

The monitoring has found conformity between the COI indicated and the substantive elements of the decision delivered in 53% (53) of the cases. The remaining 47% (47) of the cases lacked such conformity.

It should be noted that the persons who conducted the monitoring at **Harmanli RRC and Pastrogor TC throughout the year were not given access** to monitoring and assessing the decisions taken by these territorial units. This is why, the report does not assess the quality of the acts issued by these territorial units of SAR.

⁴³ Art.133 of the Internal Rules on Conducting the Procedure for Granting International Protection at SAR-COM;

⁴⁴ Art.142 (1 and 2) of the Administrative Code of Procedure;

2.2.3. Factual findings

In 77% (77) of the cases monitored in 2021 the decisions on the applications were based on a correct identification of the grounds for granting international protection in line with the legal definitions in the Law⁴⁵. Furthermore, the monitoring has established that in 91% (99) of the cases monitored the substantive elements of the decision conformed to the facts and circumstances presented therein, and in 61% (42) of the cases monitored all the substantive legal aspects were examined. However, in 2 of the cases monitored the decision consisted of standard paragraphs used for the purpose of refusal, without any conformity whatsoever to the individual refugee story, the facts and circumstances from the file and the interviews or other data relevant to the applicant's personality or fears. The remaining 24% of the cases monitored were decisions on family reunification and termination of the status, where the assessment made concerns the existence or the absence of grounds for admissibility, and not the situation in the applicant's country of origin.

A general improvement against the year 2020 has been observed in terms of clearly indicating in the decision which circumstances are accepted as valid. This was specified in 61% (61)⁴⁶ of the decisions monitored in 2021, and 60% (60)⁴⁷ of the decisions monitored indicated which of the circumstances stated are not accepted as credible and for what reason. It is, however, only in 27% (27) of the decisions monitored that the determining authority indicated any reasons for not accepting as credible the applicant's explanations concerning the facts and circumstances in their refugee story. In 8% (8) of the decisions monitored the authority just expressed a simple denial without any arguments.

The monitoring has found that only in 12% (12 of 74 applicable) of the cases monitored the decisions had a precise analysis of the possibility for the applicant to benefit from effective protection in their country of origin – the so-called internal flight alternative – which relates directly to the prohibition to return an asylum-seeker to the territory of a state where their freedom or life will be at risk – the non-refoulement principle laid down in Art. 33 of the 1951 Convention relating to the Status of Refugees, introduced in Art. 4 (3) of LAR.

In 46% (13 of 27) of the cases monitored in 2021, where the asylum seeker belonged to a vulnerable group, the applicant's vulnerability was taken into account in relation to the possibility to grant international protection on humanitarian grounds, as regulated by the Law⁴⁸, which constitutes a substantial improvement of the practice compared to previous year when this was complied with in 50% of the cases.

⁴⁵ Art.8 and Art.9 of LAR;

⁴⁶ 2018: 39%;

⁴⁷ 2018: 34%;

⁴⁸ Art.9 (8) of LAR;

The one-size-fits-all and repetitive format of presenting the situation in a particular country of origin without taking into account the specifics of each individual case, and the absence of a logical correlation between the factual findings and the legal conclusions, and, hence, the incorrect legal qualification of the application for international protection continue to be the most substantial and serious issues identified in the assessment of the decisions delivered by SAR on applications for international protection.

In previous years, SAR's position on the above conclusions was that if the omissions in the decisions established by the monitoring had existed, these decisions would have been annulled by the court, reference being made once again to the statistics about the court judgments revoking SAR's decisions. In terms of this statement, it should be specified that the 2021 monitoring covered only SAR's decisions that had not been appealed, i.e. decisions which had not been the subject of judicial review.

The year 2021 shows an improvement against the previous year⁴⁹ in terms of the approach to sharing the burden of proof in asylum procedures, and applying the principle *in dubio pro fugitivo*. Thus, in 88% (88) of the cases monitored the burden of proof was correctly determined and shared, and the principle *in dubio pro fugitivo* was applied in practice. By way of comparison, in 2020 only in 69% (47) of the cases monitored the principle *in dubio pro fugitivo* was applied in practice; hence, there has been improvement under this indicator.

The possibility for internal flight has been considered in 8% (5 of the 58 applicable) of the decisions monitored, and in all of them the assessment was correct.

2.2.4. Legal conclusions

The monitoring has found that none of the files in the cases monitored contains information in writing about the decision being returned to the interviewing authority by the direct superior – the head of the relevant Procedure for Granting International Protection Department – within the so-called coordination procedure⁵⁰. Pursuant to Art. 95 (1) of the Internal Rules on Conducting the Procedure for Granting International Protection at SAR-COM, when the decision on the application for international protection has been drafted, the direct superior shall assess whether it is correct. If the direct superior approves the draft decision, he/she shall certify the coordination of that decision by dating and signing the back of the last page of the first copy of the draft decision. If the direct superior does not approve the draft decision, he/she shall return it with **a reasoned opinion on the back of the last page of the first copy** of the draft decision to the same interviewer or to another one for re-examination and/or for gathering additional evidence.

⁴⁹ 2020: in 69% (47) of the cases monitored the burden of proof was correctly determined and shared, while in 86% (71 cases) the principle *in dubio pro fugitivo* was applied in practice.

⁵⁰ Art. 89 (5) of the Internal Rules on Conducting Procedures for Granting International Protections at SAR-COM.

The monitoring has established that none of the files monitored contains such an opinion. Hence, the monitoring of the procedure or of the subsequent judicial review has not found any trail in the administrative file as to whether and how many times the file was returned to the interviewing authority by the direct superior, and whether the failure to fulfil the instructions of the latter resulted in replacing the interviewer concerned.

The 2021 monitoring has established improvement in terms of the correct identification of the grounds stated by the applicants. A correct identification of the existence of grounds under the 1951 Geneva Convention for granting refugee status, as well as correct identification of the existence of grounds for granting humanitarian status (subsidiary protection) have been established in 73% (73) of the decisions monitored. By way of comparison, in 2020 this requirement was met in 52% of the decisions monitored. Incorrect identification of the grounds for granting refugee status and of the grounds for granting humanitarian status (subsidiary protection) has been established in only 2% of the ceases monitored. The remaining 25 monitored cases concern 15 decisions on termination of the procedure, 2 decisions on family reunification, and 8 decisions in a procedure for determining the state responsible for examining the application for international protection. These decisions do not require identification of the grounds stated by the applicants.

Exclusions or termination clauses have been applied in 3% (3) of the cases monitored in the assessment of the need for international protection, and this assessment has been found to be correct in all 100% of the cases monitored.

2.2.5. Legal assistance at the serving of negative decisions

The 2021 monitoring has not found any cases in which negative decisions were served on persons belonging to a vulnerable group in the absence of a lawyer. It should be noted that 100% of the cases involve unaccompanied children with representatives under Art. 25 of LAR.

In late 2020 a change was introduced in the Law in relation to the representation of unaccompanied children who seek or have received international protection. The amended provisions of LAR stipulate that the representative shall be designated and appointed not by the municipal administration but by the NBLA from the Register of lawyers selected to provide legal aid. Furthermore, the Law requires explicitly that these lawyers shall have the necessary knowledge in order to help unaccompanied minor or underage foreigners with exercise their rights and fulfil their obligations in conformity with the best interests of the children. This legal requirement aims to ensure a safeguard in terms of a qualified representation and complex protection of unaccompanied children at all stages of the procedure. As pointed out, in 2021 in all the monitored cases concerning unaccompanied children seeking protection legal assistance has been provided at the serving of the decisions on the applications lodged thereby.

2.3. Judicial review

2.3.1. Statistics

In 2021 the monitoring of judicial reviews of negative decisions covered a total of 50 judicial proceedings, including 37 men, of whom 4 unaccompanied boys, and 6 women, of whom 3 unaccompanied girls. In spite of the emergency situation declared in the country due to the serious pandemic situation and the restricted access to the court rooms, the monitoring delivered in full the planned number of 50 judicial proceedings and court hearings.

2.3.2. Equal treatment and non-discrimination

The monitoring has not detected discrimination and unequal treatment of the applicants by the court in any of the court proceedings monitored.

2.3.4. Interpretation

70% (28 of the applicable cases) of the court hearings monitored were conducted with the participation and the support of an interpreter with the language spoken by the applicant on whose appeal the relevant court proceedings had been initiated. In 30% (12 of 40 applicable cases) of the proceedings the court hearing was not attended by an interpreter. In some of these cases the interpreter appointed by the court did not turn up for the hearing, while in others the hearing was rescheduled due to irregular summoning. In the remaining 25% (10) of the cases interpretation was not needed due to the claimant's failure to appear. The interpretation was accurate, complete and timely in all the cases when interpretation was used.

The monitoring of judicial proceedings at the Administrative Court-Haskovo identified a regular practice of not summoning an interpreter for the first court hearing in the year 2021, too. It was when the claimant appeared in person for the first hearing of the case that the court scheduled another date and summoned an interpreter. Under these circumstances, however, the communication between the court and the claimant is not adequate, which causes the claimant's inability to properly understand what is going on in the course of the hearing, as well as the absence of due notification of the date of the next court hearing. As a result of this, the claimant, being unaware of the date, fails to appear at the next hearing, which is interpreted by the court as lack of interest in the proceedings, and affects the judgment that it subsequently delivers. This practice constitutes a serious breach of procedural rules, and prevents applicants for international protection from full participation in the procedure for examining their appeals against the refusal for granting protection.

2.3.5. Involvement of the prosecutor's office

The monitoring has established participation of the prosecutor's office in court hearings on asylum cases in 62% (31) of the cases monitored. It was, however, only in 22% (7) of the cases monitored that the prosecutor's office submitted a reasoned, and not a one-size-fits-all, opinion on the case.

2.3.6. Procedural representation

According to the data provided by SAR, in 2021⁵¹ a total of 427 appeals were lodged against acts issued in the procedure for granting international protection. A total of 423 judgments were delivered on these appeals, of which 20% (86 judgments, of which 67 at the instance of appeal and 18 at the instance of cassation) of the judgments overturned SAR's decisions. 338 of SAR's decisions, or 80% of the acts delivered thereby, were confirmed.

The applicants for international protection participated in the court hearings monitored with the support of a procedural representative in a total of 98% (49) of the cases monitored. Only in 2% (1) of the cases monitored the lawyer appointed to provide support and defence in the court proceedings acted in a formal manner and showed unpreparedness to ensure the defence in the case.

In 4% (2) of the cases monitored legal aid was appointed by the court upon the applicants' request. In 96% (47) of the cases monitored, outside the ones involving unaccompanied children, the applicants participated in the proceedings with a lawyer from a non-governmental organization. One of the cases monitored was rescheduled due to a request filed in relation to Covid-19 quarantine by the lawyer from the legal aid. One of the cases concerned an unaccompanied minor accommodated at SHTAF.

The monitoring has established a continuing trend in terms of the growing number of cases where the lawyers from the legal aid register have a professional and responsible attitude to the cases assigned to them; their legal representation proves that they familiarized themselves with the case in advance; they submit additional evidence and try to find ways to ensure the best possible defence for the asylum-seeker they represent.

⁵¹ SAR, letter NoPД-05-26/14.01.2022;

Part III. Recommendations

- 3.1. End the unlawful practice of approaching MOI's authorities in relation to the detention of applicants for international protection in cases when they appear in person at SAR's territorial units.
- 3.2. Discontinue conducting procedural actions, including registration, in relation to a first application for international protection at SHTAF with MOI's Migration Directorate, and, instead, take actions for accommodation in SAR's closed-type facilities when this is applicable in view of the grounds laid down in the Law.
- 3.3. Make arrangements for a 24-hour registration of applications for international protection, and accommodation of asylum-seekers in all of SAR's units, including at weekends and bank holidays.
- 3.4. Set up "a safe area" for the accommodation of unaccompanied children at SAR's biggest territorial RRC-Harmanli in order to ensure a 24-hour care regime for all children from this category.
- 3.5. Make adequate arrangements for protecting the mental and physical health of unaccompanied children seeking international protection when they have to be placed under quarantine, including entertainment and age-appropriate games, as well adequate means for communication with their legal representatives.
- 3.6. Send notifications to NBLA about appointing a representative under Art. 25 of LAR for unaccompanied children right after the registration thereof, whether the child concerned is placed or not under quarantine.
- 3.7. Make arrangements that NBLA's decisions on the appointment of a representative under Art. 25 of LAR are immediately served upon unaccompanied children seeking international protection, with a view to compliance with the imperative provision of paragraph 5 of the same article.
- 3.8. Develop and use a separate form for the purpose of interviews with unaccompanied underage children, which is adapted to their age characteristics and their capacity to understand and communicate information, their specific needs, and degree of development.
- 3.9. Designate separate rooms for conducting interviews with children, whether they are accompanied or not.
- 3.9. Facilitate the necessary legislative actions to introduce a methodology for complex age determination based on cognitive and socio-psychological markers, and non-invasive medical and non-medical expert examinations in compliance with all procedural standards.

- 3.10. Include in the registration form a set of questions aimed to identify an applicant's belonging to a vulnerable group or his/her special needs, and thus ensure that these circumstances are established and explicitly recorded at this stage of the procedure.
- 3.11. When as a result of the identification and assessment of the applicant's needs an individual support plan is drawn up by SAR's social expert, this plan should be attached to the applicant's file.
- 3.12. Introduce a schedule ensuring that the expeditious determination of the best interest of the child is carried out by SAR's social case worker in a timely manner within 3 working days after registration and the full determination within up to 10 working days, and that the relevant forms are attached to the child's personal file.
- 3.13. The forms attached to the personal file – the forms for the expeditious or full determination of the best interest of the child, and the individual support plan drawn up by SAR's social expert – should be addressed and taken into consideration in the reasons of the first-instance decision issued by SAR on the application for international protection.
- 3.14. Ensure that the country-of-origin information generated by the International Affairs Directorate is made accessible on SAR's website for the other participants in the administrative procedure – representatives under Art. 25, social workers, lawyers and legal aid, judges and prosecutors.
- 3.15. Ensure the provision of legal assistance at the serving of negative decisions on all applicants for international protection who belong to vulnerable groups.

Annexes:

- 1). Template for monitoring the procedural actions (registration, interview);
- 2). Template for evaluating the decision of the administrative authority;
- 3). Template for evaluating the judicial proceedings;