

**SUSPENSION
OF RETURNS
OF ASYLUM-
SEEKERS TO
BULGARIA
MUST
CONTINUE**

**AMNESTY
INTERNATIONAL**



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INTRODUCTION

Since autumn 2013, Bulgaria has received international attention for its treatment of asylum seekers and refugees. Their number exceeded 11,000 by the end of the year.¹ In response to “systemic deficiencies” and “a real risk of inhuman or degrading treatment,” in January 2014 the United Nations High Commissioner for Refugees (UNHCR) called for a temporary suspension of transfers of asylum-seekers to Bulgaria from other EU Member States. The UNHCR announced that it will re-examine its position by 1 April 2014.²

In January 2014, the UNHCR’s call for a suspension of transfers of asylum-seekers to Bulgaria.³ In December 2013, Amnesty International had highlighted that asylum seekers in Bulgaria were living in substandard conditions without access to basic services, including food, healthcare and sanitation. In addition to the shortcomings in reception conditions, large numbers of new-coming asylum-seekers were not registered and were not provided with the necessary documents, as required by international and EU law.⁴

In March 2014, Amnesty International carried out a follow-up visit to Bulgaria, during which it assessed:

1. Access to Bulgarian territory and to asylum procedures
2. The detention of asylum-seekers
3. The reception conditions for asylum-seekers

Despite improvements in the reception conditions and the increased number of staff of the State Agency for Refugees to ensure quicker access to asylum procedures, Amnesty International remains concerned over the systemic deficiencies in the treatment of asylum seekers in Bulgaria. Asylum-seekers in Bulgaria continue to be routinely detained and the reception conditions are still inadequate.⁵ Amnesty International is also concerned about reports that certain nationalities face difficulties in registering their asylum applications when in detention, and wait longer for their refugee status determination decisions. These challenges have discouraged many from lodging or pursuing asylum applications.

1. ACCESS TO BULGARIAN TERRITORY AND TO ASYLUM PROCEDURES

The number of people irregularly entering Bulgaria from Turkey has radically dropped since November 2013. Whereas in the autumn of 2013, almost 8000 entered Bulgaria through this border irregularly⁶, only 139 and 124 entered in January and February 2014 respectively.⁷

The decrease in numbers of refugees and migrants was evident during the time of Amnesty International’s visit. In the distribution centre in Elhovo, where those who cross the border with

Turkey are screened, there were only 19 people on 10 March 2014. This represents a sharp drop in comparison with November 2013, when the centre hosted 285 people.

Amnesty International is concerned that the sharp decrease in the number of arrivals is the result of border control practices that are denying those in need of international protection the chance to enter the country and apply for asylum. In order to curb the irregular migration from Turkey, Bulgaria has deployed approximately 1500 additional police officers and begun building a fence at this border. It also set up an integrated system for border monitoring which involves surveillance of the Turkish side of the border with cameras. When people approaching the border are spotted through these cameras, Bulgarian border police informs Turkish authorities to stop them. Such measures, which indiscriminately prevent people from entering Bulgaria, may lead to the denial of international protection to those who need it. This is particularly worrisome, considering that in 2013 almost 60% of all who irregularly entered Bulgaria were Syrians, who are almost certainly in need of international protection. Amnesty International additionally collected a number of testimonies alleging push-backs to Turkey, which are in breach of Bulgaria's international obligations and EU law.

With a smaller number of asylum-seekers, the State Agency for Refugees (SAR) started addressing the backlog of cases and processing the registrations of asylum applications faster. It has increased its capacity for both registering applicants and carrying out status determination procedures through hiring new staff.⁸ During an interview on 14 March 2014, SAR representatives told Amnesty International that they were issuing 55 decisions per day in February 2014.

As a result of these improvements, most Syrians who managed to enter the country after October 2013 and sought asylum are now registered by SAR and are awaiting a decision on their asylum application. For Syrians, the length of time to get a decision on individual asylum claims varied between 2 and 6 months and the SAR informed Amnesty International that they aimed to finalize all Syrian cases within 2 months of lodging an application for asylum. However, according to interviews with directors of detention facilities as well as the detainees, other nationalities wait longer to register their asylum application with SAR as well as to get a decision. According to the Bulgarian Helsinki Committee, an NGO providing legal aid to asylum seekers and refugees, it can take up to six months for asylum seekers from Algeria, Morocco and Tunisia to be registered and released following the submission of an asylum application via the immigration detention administration.⁹

Amnesty International is also concerned about reports that some Algerians and Moroccans were told that they are not eligible to apply for asylum. This raises concerns over a possible breach of the EU Asylum Procedures Directive¹⁰ and the right to asylum under the EU Charter of Fundamental Rights.

2. DETENTION OF ASYLUM SEEKERS

"We are not criminals, we just crossed your borders. After that you accepted us... Why do you put us in detention? Just let us be free."

Yamo from Afghanistan, detained in the detention centre for irregular migrants in Lyubimets¹¹

Any person who crosses the border to Bulgaria irregularly is automatically issued a deportation¹² together with a detention order¹³. The first detention order is for a maximum of 24 hours in the custody of border police. A second detention order is then issued for detention in the facilities of the Migration Directorate.

Migrants can be detained for a 6-month period for the purpose of their removal. The extension of detention beyond six months requires judicial authorisation. The Administrative Court can extend the detention order for a further 12 months. According to Bulgarian law, children accompanied by their families can be detained for up to 3 months and unaccompanied children cannot be detained.

According to the current procedure, all people entering the country irregularly are detained in a border police station legally for up to 24 hours and then transferred to Elhovo Distribution Centre where they are subject to screening interviews. Those who want to seek asylum should then be referred to the SAR and transferred to a SAR-run reception facility. In this case, their deportation order should be suspended,¹⁴ which would mean that their detention order is no longer valid. Those who do not wish to seek asylum are transferred to one of the two detention facilities of the Migration Directorate in Lyubimets and Busmansti.

Since Bulgarian law states that detention can only be carried out for the purpose of deportation,¹⁵ asylum seekers should not be detained unless they are considered a danger to the national security or a threat for the society.¹⁶ However, Amnesty International has observed that asylum seekers continued to be routinely detained in Bulgaria in Elhovo Distribution Centre or in the two detention facilities while waiting for their asylum application to be registered by SAR and transferred to a SAR facility.

SAR management told Amnesty International that the agency's speed of registration in reception facilities has improved since November 2013; but admitted that there continue to be delays in registering asylum seekers in detention centres. These delays have resulted in asylum seekers being kept in detention for as long as several weeks. SAR hoped to speed up the registration process in detention facilities and resolve the problem by deploying SAR staff in the facilities.¹⁷

At the entrance of both border police stations that Amnesty International visited in March 2014¹⁸, there were UNHCR posters and leaflets of SAR, Bulgarian Helsinki Committee (BHC) and the Ministry of Interior giving information on asylum and voluntary return procedures.¹⁹ According to the head of the Migration Directorate, before August 2013, those who declared at the border that they want to apply for asylum were directly transferred to the facilities of the SAR. However, as of March 2014, the border police no longer alerts the SAR of any asylum requests and as a result asylum seekers are not being transferred from the border police stations to SAR-run reception facilities. Instead, everyone, including those who wish to seek asylum are transferred to the closed distribution centre in Elhovo.

According to the testimonies Amnesty International collected, as well as the statements from the director of the facility, the average time spent in the Elhovo Distribution Centre is currently 3 to 5 days. As such, asylum seekers are being detained at least for several days, first in the border police stations, then in the Elhovo Distribution Centre, before they are transferred to an open reception centre.

Several Afghans, one Syrian and three Somalis told Amnesty International that they were transferred to detention facilities despite having declared their wish to seek asylum while they were being held in border police stations and in Elhovo Distribution Centre.²⁰ They were expecting to be transferred to a reception facility but found themselves in Lyubimets and Busmansti. These individuals were not sure whether their asylum applications were being ignored or if they will be interviewed for registration with SAR while in detention.

3. THE RECEPTION CONDITIONS FOR ASYLUM-SEEKERS

In March 2014, Amnesty International visited the reception centres Voenna Rampa,²¹ Vrazhdebna²² and Harmanli.²³ During the previous visit in 2013, the conditions in these centres were completely inadequate. In Harmanli asylum-seekers were placed in an unheated building that had not been converted to an accommodation facility, as well as in containers and military tents. They had been only provided with limited numbers of worn out foldable beds, many sleeping on thin mattresses on the floor. In November 2013, those accommodated in Harmanli were not registered as asylum-seekers and were effectively locked up in a closed camp. Voenna Rampa and Vrazhdebna were run as open camps but the reception conditions in these centres were also inadequate. People were sleeping in overcrowded rooms, there was no adequate food provided by the state and the residents suffered from lack of access to medical care.

During the second visit in March 2014, Amnesty International observed certain improvements in the three reception centres.²⁴ The SAR had moved all asylum seekers and refugees held in tents in Harmanli to partially renovated buildings, opened a separate building for single women with children, and increased the number of toilets and showers. Furthermore, the government has been providing two hot meals per day in all three centres, and the staff of SAR (interviewers) were present in all three centres. Despite these improvements, Amnesty International considers that the conditions in the centres continue to fall short of the requirements of the EU directives on reception of asylum seekers.²⁵ In fact, the conditions in Voenna Rampa – where the reconstruction works were being carried out while people continued to be accommodated there – have deteriorated since Amnesty International's last visit.²⁶

OVERCROWDING

In March 2014, the reception centres in Vrazhdebna and Voenna Rampa were mostly hosting families with children, who have been living for months in large classroom-like halls divided by pieces of sheets into smaller compartments. Such accommodation arrangements do not provide any privacy. Moreover, due to the renovation and reconstruction works – that were expected to be finished by 25 April 2014 – in both Vrazhdebna and Voenna Rampa, the families accommodated on the floors under construction had been moved to other parts of the building, thus creating conditions of severe overcrowding. The overcrowding was also partially a result of recognized refugees continuing to stay in reception centres in the absence of any meaningful integration support. Some recognized refugees shared with Amnesty International that they feared becoming homeless if they were to leave the centres.

In Voenna Rampa, 43 out of a total of over 800 residents²⁷ were staying in a former gymnasium that

lacked heating and electricity. The residents extended cables from the nearby hall, thus providing themselves with improvised lighting.

Overcrowding is experienced also by those accommodated in one- or two-room containers in Harmanli. As these containers hosted entire families, it meant in some cases that as many as seven people had to share a room of approximately 10m².

SANITATION AND WASHING FACILITIES

The sanitation facilities in Voenna Rampa and Vrazhdebna remain inadequate. According to the data of the Ministry of Interior, there were about 600 residents in Voenna Rampa at the end of March 2014.²⁸ While the reconstruction works were ongoing, there were only six showers and 12 toilets in Voenna Rampa. This meant that around 100 individuals had to share one shower and 50 persons one toilet. Toilets in both centres were not separated by gender during the visit of Amnesty International. However, the reconstruction plans, envisaged separate toilet facilities.²⁹ According to information available to Amnesty International, in Voenna Rampa the people-to-toilets ratio after the reconstruction was planned to be 17. With regard to showers, according to the plans there were supposed to be 62 people per shower.³⁰ The ratio was planned to be better for Vrazhdebna where – after the reconstruction – the plans envisaged 25 people sharing a shower and 14 people sharing a toilet.³¹

Since December 2013, Doctors without Borders (Médecins Sans Frontières – MSF) has been providing medical care in Vrazhdebna, Voenna Rampa and Harmanli. However, as their mission in the country is expected to terminate by the end of May, Amnesty International is concerned over the accessibility of the national healthcare system for asylum-seekers and refugees. Some of the asylum-seekers interviewed by Amnesty International reported problems with their registration for healthcare insurance. Some of them also alleged that they were refused treatment by hospitals and/or doctors when seeking medical help.³²

ACCESS TO EDUCATION

The Law on Asylum and Refugees entitles asylum seeker children to education and vocational training under the conditions and following the procedure applicable to Bulgarian citizens.³³ However, at the time of Amnesty International's visit, there were no state-run classes or schools specifically for asylum seeker children within or outside the reception centres and no assistance was provided by the state to facilitate their access to the existing state run schools.

In Harmanli, there is a school run by volunteers and asylum seekers themselves. Some of the children of registered Syrian asylum-seekers attended the schools run by the community in Sofia. However, these schools are privately funded and the children of those who cannot afford the schooling fee must rely on the discretion of a school director to enrol them for free.³⁴ Spaces for free attendance in these private community schools are highly limited. By 27 March, there were about 100 children Syrian asylum-seekers and refugees studying for free in three community schools.³⁵

Children's lack of access to education and leisure activities meant that they spend their days without any structure in the reception centres; families were concerned about how this affected their development and future life chances.

PROVISION OF FOOD

Despite the large number of infants in reception facilities – 41 children below the age of 1 only in Harmanli³⁶ – the government was not providing specialized food for them. As a result, those who can afford it are buying food suitable for children below one year of age, but those who lack the resources are feeding their infants bread and tea.³⁷

4. CONCLUSION

During its March visit to Bulgaria, Amnesty International observed improvements in the reception conditions and asylum procedures compared to the situation observed in November 2013. However, the reception facilities visited were still sub-standard specifically in terms of sanitation, access to food and access to education for children. Additionally, although the period for registering asylum applications has shortened, asylum seekers continue to be detained before being transferred to a reception facility for periods ranging from several days to several months. Amnesty International also heard allegations that asylum applications of certain nationalities were not accepted or they were made to wait longer in detention before registering with the SAR. This led some people to give up and sign “voluntary return” forms seeing this as the only way out of detention, which raises serious concerns over the access to international protection in Bulgaria.

Amnesty International acknowledges the efforts of the Bulgarian Government to improve the situation of asylum seekers in Bulgaria in terms of their reception and access to asylum procedures. However, reception conditions continue to be inadequate and would likely come under additional strain if number of asylum seekers increase through Dublin returns. Moreover Amnesty International has serious concerns about the lack of access for asylum seekers to Bulgaria, due to the almost complete closing of its border with Turkey. Amnesty International calls Bulgaria to employ protection sensitive border management measures, accompanied by sustainable reception capacity in adequate conditions. Until this is in place, other EU member states and countries participating in the Dublin system should continue to suspend transfers of asylum seekers to Bulgaria.

ENDNOTES

¹ Bulgarian Ministry of Interior. *Daily Report of the National Operational Headquarters for Addressing the Increased Migratory Pressure Crisis Situation*. 2 January 2014.

² UNHCR. *Bulgaria as a country of asylum: UNCHR observations on the current situation on asylum in Bulgaria*. 2

January 2014. Available: <http://www.refworld.org/pdfid/52c598354.pdf>

³ Amnesty International, *Bulgaria: Refugees continue to endure bad conditions* (Index: EUR 15/001/2014), 6 January 2014, available at: <http://www.amnesty.org/en/library/info/EUR15/001/2014/en>

⁴ Amnesty International, *Bulgaria: Amnesty International briefing: Refugees in Bulgaria trapped in substandard conditions* (Index: EUR 15/002/2013), 13 December 2013. Available: <http://www.amnesty.org/en/library/info/EUR15/002/2013/en>

⁵ Provided by the state.

⁶ Bulgarian Ministry of Interior. *Daily Report of the National Operational Headquarters for Addressing the Increased Migratory Pressure Crisis Situation*. 26 March 2014.

⁷ Interview with the Deputy Director of Elhovo Regional Directorate of Border Police, 10 March 2014.

⁸ Interview with Amnesty International, Sofia 14 March 2014.

⁹ See the following section for information on the detention of asylum seekers.

¹⁰ The Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status. Art. 6

¹¹ Interview with Amnesty International, 11 March 2014

¹² Article 39(1)2 of the Law on the Foreigners in the Republic of Bulgaria

¹³ Article 44(6) of the Law on the Foreigners in the Republic of Bulgaria

¹⁴ Article 67(1) of the Law on Asylum and Refugees

¹⁵ Article 44(6) of the Law on the Foreigners in the Republic of Bulgaria

¹⁶ Article 67(3) of the Law on Asylum and Refugees

¹⁷ Interview with Amnesty International, 14 March 2014

¹⁸ In the towns of Kapitan Andrajevo and Elhovo near the Turkish border.

¹⁹ Amnesty International was able to find brochures on asylum procedures in English and Arabic and brochures on voluntary return procedures in English, Arabic and Bulgarian.

²⁰ Interviews with Amnesty International in Lyubimets and Busmantsi in March 2014.

²¹ 6 March 2014

²² 7 March 2014

²³ 8 and 12 March 2014

²⁴ This is not a complete list of the existing reception centres. The other centres, not included in this briefing, are: Banya, Kovatchevci, RRC Sofia (Ovcha Kupel) and Pastrogor.

²⁵ The Reception Conditions Directive (2013/32/EU), Art. 14 and 17-19; The Reception Conditions Directive (2003/9/EC), Art. 10 and 13.

²⁶ Interviews carried out on 6 March 2014.

²⁷ The number of residents of Voenna Rampa as provided by the State Agency for Refugees on 14 March 2014.

Document is available on files of Amnesty International.

²⁸ Bulgarian Ministry of Interior. *Daily Report of the National Operational Headquarters for Addressing the Increased Migratory Pressure Crisis Situation*. 26 March 2014.

²⁹ The reconstructions in all the centres were supposed to be finished by 25 April 2014. Source: interview with the director of the State Agency for Refugees, 14 March 2014.

³⁰ Document available on files of Amnesty International.

³¹ Id. note 17

³² Interview with refugee from Syria who alleged he had to visit three hospitals with his children before finally admitted, Vrazhdebna, 7 March 2014. Interview with an asylum seeker family including a 4- month old baby, 15 March 2014.

³³ Article 26 of the Law on Asylum and Refugees

³⁴ Interview with the director of one of the private schools in Sofia, 14 November 2013.

³⁵ Email interview with the director of the Palestinian School in Sofia, 27 March 2014. Data provided represent the number of asylum-seekers pupils in three schools.

³⁶ Survey carried out in Harmanli by the volunteers of the Friends of Refugees. March 2014.

³⁷ Interview with a volunteer associated with the State Agency for Refugees on 8 March 2014, Harmanli.