

Country factsheet Bulgaria

Based on its 2010 Work Programme, the European Union Agency for Fundamental Rights (FRA) carried out a study on access to justice for asylum seekers. This study illustrates the perspective of asylum seekers on two specific issues relating to the asylum procedure, namely information on the procedure itself and access to remedies against a negative decision.

The FRA interviewed almost 900 asylum seekers throughout the European Union. The information received has been analysed taking into account the relevant national legal provisions and the responses to a questionnaire on information received from national asylum authorities. The research has resulted in two comparative reports, the first on the duty to inform and the second on access to effective remedies.

This factsheet complements these two comparative studies by providing some basic background information, including statistics and relevant domestic legal provisions relating to the issues covered in the two reports.

1. Statistics

Statistics on asylum applications (Total and top 10 nationalities)

2009 Top 10 Nationalities		2008 Top 10 Nationalities	
Total	855	Total	745
Iraq	305	Iraq	350
Stateless	125	Armenia	70
Afghanistan	60	Stateless	65
Iran (Islamic Republic of)	50	Afghanistan	55
Armenia	40	Nigeria	20
Algeria	35	Syrian Arab Republic	20
Syrian Arab Republic	30	Iran (Islamic Republic of)	20
Turkey	25	Somalia	15
Morocco	15	Sri Lanka	15
Nigeria	15	Turkey	10

Statistics on first instance asylum decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian ¹	Rejected	Total number of decisions	Total positive decisions	Recognition rate ² %
Total	40	230	n.a.	375	645	270	41.9
Iraq	15	185	n.a.	95	295	200	67.8
Afghanistan	10	15	n.a.	15	45	30	66.7
Stateless	5	10	n.a.	40	50	15	30.0
Armenia	0	5	n.a.	40	45	5	11.1
Syrian Arab Republic	0	5	n.a.	20	25	5	20.0

Statistics on final decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian ¹	Rejected	Total number of decisions	Total positive decisions	Recognition rate ² %
Total	0	10	n.a.	40	50	10	20.0
Iraq	0	10	n.a.	25	35	10	28.6
Armenia	0	0	n.a.	5	5	0	0.0
Iran (Islamic Republic of)	0	0	n.a.	5	5	0	0.0

Notes: These tables are based on categories used by Eurostat. The way Eurostat presents its data may not necessarily correspond to categories used at national level. This can particularly be the case with statistics provided under 'humanitarian status'. For more detailed understanding of the data, the reader is invited to consult national statistics at: <http://www.aref.government.bg/?cat=21>.

Data has been rounded to the nearest 5. Due to the rounding, the sum of individuals may not necessarily match the given total. 0 means less than 3; n.a. = not available.

¹ Covering persons granted authorisation to stay for **humanitarian reasons** under national law by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments.

² The **recognition rate** corresponds to the proportion of positive first instance or final on appeal decisions out of the total number of decisions in 2009. Positive decisions include the provision of refugee status, subsidiary protection and humanitarian protection (where data is available).

Source: [Eurostat](#), Data extracted on 01 September 2010.

2. Background Information

Asylum act¹

[Law on Asylum and Refugees \(2002\)](#) – last amended on 20 December 2007

Asylum authorities

First instance authority

[State Agency for Refugees](#) within the Council of Ministers

Second instance authority

Administrative Court (of place of residence for all negative decisions taken in the accelerated procedure)

[Administrative Court of Sofia](#) (for all Dublin cases)

[Supreme Administrative Court](#) (for cases processed in the regular procedure)

3. Duty to inform asylum seekers

Article 58 of the Law on Asylum and Refugees guarantees to the asylum seeker to be given guidance, in a language he/she understands, about the procedure for filing the application, the procedure to be followed and his/her rights and obligations as well as information about organisations that provide legal and social assistance to aliens, not later than 15 days after filing the application.

In August 2010, the State Agency for Refugees provided the following information to the FRA as regards written information materials.

Written information materials	Brochure on the asylum procedure translated into 17 languages.
Provided when?	At the time of lodging the application and at the registration of the application.
Provided by whom?	At the registration of the application - by the employee who accepts the application.
Has an evaluation of information tools been carried out?	No.

¹ The legal information in this factsheets has been updated to reflect the situation on 1 September 2010.

4. Effective Remedy

Type of procedures

The Law on Asylum and Refugees distinguishes between three different types of procedures: (i) Dublin procedure, (ii) an accelerated procedure, and (iii) a regular procedure.

The competent authority shall take a decision as to whether to reject the application as manifestly unfounded, to discontinue the proceedings, or to initiate proceedings under the regular procedure within 3 days from the application for asylum (Article 70). After such deadline, the proceedings shall continue under the general procedure. The authority rejects the asylum application as manifestly unfounded in cases when *inter alia* an alien has filed a subsequent application, which contains no new circumstances of substantial significance concerning his/her personal situation or his/her country of origin, or when an alien is arriving from a safe third country (Article 13), although the latter provision is not used in practice.

A decision in the regular procedure shall be taken within three months from the application. This time limit may be extended by the Deputy Chair up to another three months in the event of insufficiency of the data gathered for a specific case (Article 75).

Duty to state reasons for rejection and procedure to appeal

The asylum seeker shall be given a copy of the decision on the asylum application. The content of the decision, as well as the rights and obligations arising therefrom, shall be explained to the alien in a language he/she is proficient in (Article 76(1)).

Time limits for appeal

The Law on Asylum and Refugees foresees the possibility for an asylum applicant to appeal all decisions and acts taken by the competent central refugee authority. Chapter 7 of the law regulates that the appeal against the decisions on applications in accelerated procedures (Article 84) may be lodged within seven days from the service of the decision. If the application is processed in the regular procedure, there is a deadline of 14 days from the service of the decision (Article 87).

Appeals against a decision issued within the Dublin procedure have to be filed with the Administrative Court in Sofia (Article 84(1)). Appeals against a decision issued within the accelerated procedure have to be filed with the relevant administrative court of residence (Article 84(2)). Appeals against a decision issued within the regular procedure have to be filed with the Supreme Administrative Court (Article 87).

Type of procedure	Time limits	Right to remain
Regular procedure	14 days	Automatic suspensive effect of the appeal.
Accelerated procedure (including subsequent applications)	7 days	Automatic suspensive effect of the appeal.
Dublin procedure	7 days	Automatic suspensive effect of the appeal.

Right to remain in the country during appeal

The appeal has in the above mentioned cases automatic suspensive effect (Article 84(4) and 88(1)).

Legal Aid

Aliens seeking protection shall be entitled to assistance and help provided by the UNHCR and by other government or non-governmental organisations at any stage of the procedure and after protection has been granted. Human rights NGOs provide legal assistance to asylum applicants free of charge. A refugee-assisting NGO may assist the applicant to apply for legal aid under the Law on Legal Aid.²

After the decision on the asylum application has been served, the alien shall have access to his/her personal file (Article 76(6)).

Language assistance

The Law on Asylum and Refugees foresees the provision of the services of an interpreter or a translator at the stage of status determination after submission of the asylum application (Article 59), as well as in the course of the interview, which should be held in a language of the applicant's choice. Where this is impossible, the law requires the interview to be held in a language the alien can be assumed to be proficient in (Article 63a (6)). A general provision on the right to a translator or interpreter has been established by Article 29(1) laying down the rights of applicants during the procedure.

Language assistance is granted during the judicial proceedings (Article 14(2) of the Administrative Procedures Code) but not explicitly for the purpose of and prior to submitting an appeal.

Hearing

The administrative court shall hear the appeal in an open hearing after having summoned the parties and shall deliver its judgment within one month from the start of the proceedings (Article 85(1)). In case of an appeal filed with the Supreme Administrative Court, the court shall hear the appeal in an open hearing and after having summoned the parties (Article 90(1)).

² The Law on Legal Aid provides for four forms of assistance: 1) pre-litigation resolution; 2) preparation of documentation for filing a case; 3) litigation; and 4) litigation in the event of detention (Art. 21, Law on Legal Aid).