

**NATIONAL STRATEGY ON MIGRATION, ASYLUM AND  
INTEGRATION**

**(2011-2020)**

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## I. INTRODUCTION

The National Strategy on Migration, Asylum and Integration aims to formulate effective and integrated national migration management policies. This document is underpinned by the understanding of migration both as a necessary resource for the national economy and as a potential threat to social unity and national security. At times of demographic and economic crisis migration is a resource that can contribute to the economic growth and the security of the European Union provided that efficient and effective migration management mechanisms are put in place.

As an external border of the European Union, the Republic of Bulgaria pursues a long-term, integrated and clearly formulated policy for protection of the EU borders and fight against illegal migration, smuggling and human trafficking.

In the past few years, the Republic of Bulgaria transformed gradually and at a steady pace from an emigration country through a transit state to one attracting immigrants. Foreigners increasingly choose Bulgaria as a place to study, acquire qualification and seek professional fulfillment. This calls upon the country to get prepared for increased immigration flows, both legal and illegal, in the years to come.

The migration policy in respect of Bulgarian nationals and people of Bulgarian origin living outside Bulgaria is viewed as a potential resource for overcoming the negative demographic trends in the country. The economic growth in a post-crisis period, combined with the completed reforms in important public sectors and with proactive government measures, is expected to lead to:

- a tendency for the Bulgarian emigrants who left the country in the past 20 years to return home;
- permanent establishment on Bulgarian territory of individuals of Bulgarian origin living outside Bulgaria.

The undergoing migration processes will transform Bulgaria from an emigrant country to one receiving immigrants. Thus, the integration of third-country nationals will become a key element of the overall national migration policy.

Migration is and will be a global phenomenon. If well managed, it can contribute to the national labor market's development and to the economic growth of the EU, as well as to the prosperity of migrants and of their home countries.

The ten-year time span of the strategy reflects the profound analyses and long-term forecasts of migration development and furthers a sustainable migration management policy framework.

## II. GENERAL PROVISIONS

### **1. Purpose**

To develop a policy framework providing a comprehensive and sustainable regulatory and institutional basis for ensuring successful management of legal migration and integration while preventing and counteracting illegal migration.

The fulfillment of the overall objective will contribute to:

- Prevention and effective counteraction of illegal migration;
- More efficient management of economic migration and integration;
- Making migration and mobility positive factors of economic and demographic development.

### **2. Migration policy principles**

The Bulgarian migration, integration and asylum policy is underpinned by the national interests and the European migration management principles.

#### ***a) Legality and protection of human rights***

In line with the legal norms, Bulgaria's commitments under the EU Accession Treaty, and the international standards in the field – towards attainment of the objectives of national interest and adherence to the international commitments undertaken in the field of human rights protection;

#### ***b) Coordination and partnership***

On an interinstitutional basis, with the local authorities, the social partners, the academic circles, the international and non-governmental organizations;

#### ***c) Transparency***

Proactive policy to raise civil society's awareness about the importance of the national migration policy for Bulgaria's prosperity and development. Organization of targeted campaigns to improve the cultural diversity climate and to counteract xenophobia;

**d) *Analysis, scientific and proactive approach***

Conducting an unbiased analysis of the facts and update the Bulgarian national policy's implementing measures on a regular basis;

**e) *Accounting, monitoring and control***

Developing regular reports on the overall migration situation in Bulgaria;

**f) *Equal opportunities***

Strict compliance with the anti-discrimination legislation provisions in implementing the migration policy with respect to third-country nationals and stateless persons residing legally in Bulgaria and adherence to the provisions on fundamental human rights with respect to illegally residing migrants.

**3. Target groups**

a) Third-country nationals and stateless persons crossing illegally our national borders or residing illegally on Bulgarian territory beyond the permitted period of stay or where the legal grounds for the stay are no longer relevant;

b) Refugees and asylum seekers or persons granted subsidiary or temporary protection, as well as persons granted humanitarian status;

c) Third-country nationals and stateless persons entering and residing legally (for shorter or longer periods) in Bulgaria for the purposes of employment, education or family reunification;

d) Foreign nationals of Bulgarian origin;

e) Bulgarians living outside Bulgaria

f) Bulgarian nationals – first and second generation migrants;

g) Highly skilled migrants.

### III. ASSESSMENT OF MIGRATION AND OF THE BULGARIAN MIGRATION POLICY AT THE TIME OF STRATEGY'S APPROVAL

#### ***1. Institutional system***

The Republic of Bulgaria has put in place the institutional system and the administration for implementation of the national migration, asylum and integration policy.

#### *Ministry of Interior (MoI)*

*Directorate General "Border Police"* (DGBP) is responsible for border control, protection of the state borders, counteraction of illegal migration and human trafficking. DGBP has regional units – Regional Border Policy Directorates (RBPd) – under the management of DGBP's director. Directorate General Border Police cooperates and interacts with bodies having competence on the issues of asylum, refugees and the residence of foreigners, with a view to achieving effective migration control.

*Migration Directorate* is a specialized structure within MoI, responsible for the coordination of migration processes and of migration policy development, for the regulation and control of the migration of third-country nationals residing in Bulgaria, for providing administrative services to the EU and the EEA citizens and for attending foreigners subject to expulsion or compulsory taking to the national border. Migration Units are set up within the regional directorates of MoI.

#### *Ministry of Foreign Affairs*

The Consular Affairs Directorate and Bulgaria's representations abroad are responsible for the issuing of visas and for the interaction with the competent Bulgarian institutions and the visa services of Member States regarding the implementation of the visa regime, the issuance of national visas now and of uniform Schengen visas upon Bulgaria's joining the Schengen Area. The Consular

Affairs Directorate maintains the National Visa Information System via the National Visa Management Centre and in accordance with the EU and Schengen requirements and is responsible for its connection to the Visa Information System of the EU, as well as for the set up and maintenance of a Visa Backup Centre.

#### Ministry of Labor and Social Policy

The ministry is responsible for formulating and implementing the policy for receiving third-country nationals on the labor market, for the signing of bilateral employment agreements and social security agreements with third countries, for assisting Bulgarian nationals in other Member States and nationals of other Member States in Bulgaria in exercising their employment and social security rights of EU citizens, for coordinating the Bulgarian policy for the integration of third-country nationals.

#### Employment Agency

This executive agency under the Minister of Labor and Social policy is responsible for the implementation of the policy for protection of the labor market and regulated reception of third-country nationals for employment. The Agency, through its regional offices, registers EU citizens searching for jobs in Bulgaria. It assists Bulgarian nationals for employment abroad in line with the international treaties and employment agreements, as well as within the EURES (European Employment Services) information and mediation network.

#### Ministry of Justice

##### *Citizenship Council*

The Council gives opinion on Bulgarian citizenship applications and proposals and the Minister of Justice drafts proposals to the President of the Republic of Bulgaria for issuing of decrees for granting of Bulgarian citizenship or proposals for refusal.



### *Bulgarian Citizenship Directorate*

Its competences involve acceptance and verification of Bulgarian citizenship applications and proposals; it organizes the coordination procedure at the interinstitutional level.

### *State Agency for National Security (SANS)*

SANS is among the institutions responsible for counteracting the migration pressure on Bulgaria associated with the possible establishment on national territory of persons connected with international terrorist organizations or with organized crime formations acting on Bulgarian territory.

### *State Agency for Refugees at the Council of Ministers (SAR)*

The *State Agency for Refugees at the Council of Minister* is a legal entity financed from the state budget, seated in Sofia and having territorial units across the country. Its responsibilities include decision-taking on refugee and asylum cases, cooperation with other EU Member States in accordance with the Dublin Convention and with other competent Bulgarian institutions regarding refusals to grant asylum to asylum seekers.

The Agency is headed by a chairperson who is a body of the executive entrusted with special competence. The chairperson provides guidance, coordination and control on the implementation of the state policy for granting asylum and humanitarian status to foreigners in the Republic of Bulgaria.

The regional units of SAR include the transit, the registration-and-acceptance, and the integration centers.

### *State Agency for Bulgarians Abroad at the Council of Ministers*

The State Agency for Bulgarians Abroad (SABA) implements the state policy for the Bulgarians abroad in coordination with the minister responsible for the policy for Bulgarians abroad. It coordinates the work of state institutions in the field. The Agency has contacts with and supports the operation of the citizen structures of the Bulgarian communities abroad. SABA certifies the Bulgarian

origin of persons applying for Bulgarian citizenship by issuing individual administrative acts. It maintains and updates a database and conducts analyses of the condition and trends of the Bulgarian communities abroad.

#### *Bulgarian National Anti-Trafficking Commission at the Council of Ministers*

It organises and coordinates the cooperation between the relevant agencies and organisations for implementation of the Combating Trafficking in Human Beings Act. The Commission determines and administers the implementation of the national policy for combating trafficking in human beings. An important element of Commission's work is the prevention of groups at risk of human trafficking and the development of the policies for protection, support and reintegration of the victims of trafficking.

#### *National Statistical Institute*

The institute is a central unit collecting and analyzing statistical information. NSI is the Bulgarian contact point for submission of migration statistics to EUROSTAT. The official statistical information produced by NSI is intended for analyses and research, planning, forecasting, and governmental decision making at micro and macro level. NSI's analyses are a main tool in migration management.

The institutions having partial competence in the field of migration and asylum include also *the Ministry of Economy, Energy and Tourism, the Ministry of Education, Youth and Science, the Ministry of Health, the State Agency for Child Protection, the municipalities, Bulgarian National Bank.*

## **2. Regulatory basis**

All Community acts on migration and asylum have been transposed in the national legislation and are being implemented. They are reflected in many legal acts of the national primary, secondary and tertiary legislation. Fulfillment of the criteria laid down in fundamental EU directives is a key element for the

implementation of a common migration policy aiming to ensure in all phases effective management of migration flows, fair treatment of third-country nationals residing legally in the Member States, and prevention and stronger combating of illegal migration and human trafficking.

✓ *Law on Foreigners in the Republic of Bulgaria*

It transposes all relevant Community acts regulating the entering, residing in and leaving the national territory by third-country nationals.

✓ *Law on Bulgarian Identity Documents*

This law regulates the terms and procedure of issuing Bulgarian identity documents to third-country nationals, to persons with granted status under the Law on Asylum and Refugees and to EU citizens and the members of their families whose status is regulated by the Law on the Entering, Residing and Leaving the Republic of Bulgaria of EU Citizens and Members of their Families. Implementation of Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals has been ensured up to the high technical standards set.

✓ *Law on the Entering, Residing and Leaving the Republic of Bulgaria of EU Citizens and Members of their Families*

It regulates the status of this category of persons.

✓ *Law on Bulgarians Living outside the Republic of Bulgaria and Bulgarian Citizenship Act*

The two laws contain provisions regarding the implementation of different procedures concerning Bulgarians living outside Bulgaria.

✓ *Penal Code*

It contains provisions penalizing illegal migration and human trafficking as well as the illegal crossing of the state border.

✓ *Law on the Ministry of the Interior*

This law regulates the exchange of information and data with the competent authorities of the EU Member States towards crime prevention, detection and investigation.

✓ *Combating Trafficking in Human Beings Act*

✓ This law focuses on the prevention and protection of victims, in particular women and children, and on the special protection of victims cooperating with the police;

✓ *Law on Asylum and Refugees*

This law regulates the terms and procedure for granting special protection to foreigners on the territory of the Republic of Bulgaria, as well as such foreigners' rights and obligations.

✓ *Employment Promotion Act*

This law regulates the issuing of work permits, the access of EU, EEA, Swiss citizens and third-country nationals to registration with the Labor Offices, as well as the services provided by the Employment Agency.

✓ *Civil Registration Act*

This law regulates the terms and procedure for civil registration of natural persons in the Republic of Bulgaria. The population registers keep records of foreigners who have been granted permanent residence permit in the Republic of Bulgaria, stateless persons who have settled permanently on national territory and persons who have been granted refugee or humanitarian status, or asylum in the Republic of Bulgaria.

### **3. Migration situation and existing national policy**

#### *3.1 Existing strategy*

The *National Strategy on Migration and Integration, 2008-2015* was adopted in 2008. It sets two main objectives:

- attracting Bulgarian nationals and foreigners of Bulgarian origin to permanently establish or settle in Bulgaria;

- pursuing a modern policy for receiving third-country nationals with a view to contributing to the development of the Bulgarian economy and effectively regulating and controlling migration. The migration and integration strategy was developed and adopted at times of economic upsurge and decreasing unemployment. Hence its focus is placed on policies for legal migration and

integration. The strategy is implemented through annual action plans and annual reports. The documents set out a number of specific actions concerning legal migration and the integration of third-country nationals, as well as interventions targeting Bulgarian emigrants and persons of Bulgarian origin, refugees and persons seeking protection.

Bulgaria's joining the Schengen Area increases country's commitments for protection of the external border of the Union and creates a new environment requiring a focus on counteracting illegal migration in the context of national and European security.

### *3.2. Border control and visas*

Counteracting illegal migration is a major priority of the Bulgarian security and migration management policy. As an external EU border, the Republic of Bulgaria has commitments concerning the effective management and protection of this border. Border control is provided by professionally trained and motivated police officers who use high-tech devices and systems. Fixed technical and visual surveillance posts equipped with coastal radar stations are situated along the Black Sea border and the Danube River border.

A number of actions have been undertaken to improve the efficiency of border control and fulfill the criteria for joining the Schengen Area.

## Statistics of the cases of illegal crossing of Bulgaria's external borders:

### **“Green Border”**

Total 651 third-country nationals were detained while trying to cross illegally the “green” border in 2010, 35% up on 2009. The highest pressure is again on the Bulgarian-Turkish border: total 620 persons detained. Iraqi nationals account for the highest share of detainees – 398 (153 – 2009); Turkish nationals – 61 (65 – 2009); Palestinians – 61 (153 – 2009); Iranian nationals – 26 (3 – 2009); Afghanistan – 12 (1 – 2009); nationals of African states (Morocco, Sudan, Tunisia, Somalia, Algeria) - 34 people (55 – 2009) and 28 other nationals.

Ten persons were detained at exit at the Bulgarian-Turkish border – 5 Iraqi nationals, 4 Turkish nationals and 1 Palestinian.

**Border Checkpoint** – illegal passing through border checkpoints (avoiding border checks and hiding persons)

In 2010, total 112 third-country nationals were detained while trying to pass illegally through border checkpoints (97 at entry and 15 at exit). The values of this indicator are relatively stable and permanent over the period 2007 – 2010. The highest number of attempts was detected at entry at the Bulgarian-Turkish border: 96 people, mainly hidden in vehicles (Turkish nationals – 57, Iraq – 19, Palestine – 5, Iran – 5, Afghanistan – 5, other - 5). Significantly lower is the number of the attempts detected at exit via the border checkpoint at the Bulgarian-Turkish border – 5 people were detained in 2010 (3 Turkish nationals, 1 of Iran and 1 of Algeria).

Use of false documents or third person's documents given to use (use of false documents, visas, residence permits, etc., or such given for use by somebody else, to pass through a border checkpoint):

In 2010, 123 third-country nationals were detained while trying to cross an external border checkpoint with false identity documents or third person's identity documents given to use – 80 at entry and 43 at exit. 76 persons were

detained at the Bulgarian-Turkish border (75 at entry and 1 at exit, 32 – at the air border (all at exit), 10 at the Bulgarian-Serbian border 1 at entry and 9 at exit) and 5 at the Bulgarian-Macedonian border (4 at entry and 1 at exit). By way of comparison, 110 persons were detained in 2009, the highest number – 67, at the Bulgarian-Turkish border, 36 at the air border, 6 at the border with Serbia and 1 at the border with Macedonia.

Statistics of the cases of illegal crossing of Bulgaria's future internal borders:

### **“Green Border”**

In 2010, the number of third-country nationals detained at the “green” border is 104 people, 14 down on 2009.

Of these, 67 were detained at entry and 37 at exit. 101 persons were detained at the border with Greece (67 at entry and 34 at exit) and 3 were detained at exit at the border with Romania. The highest number of detained persons are Palestinians – 26 (41 in 2009), Iraqi nationals – 13 (11 in 2009), Algerian – 10, Lebanese – 10, Iranian – 8 (2 in 2009), Moroccan – 6, and 31 other nationals.

In 2010, there were isolated attempts for illegal crossing of the Bulgarian-Greek border by nationals of the former Soviet republics. Five Georgian nationals were detained at entry and one national of Kazakhstan – at exit.

One attempt by two Turkish nationals and one attempt by an Iraqi national for illegal crossing of the “green border” in the area controlled by the Border Police Station in Silistra were detected at the Bulgarian-Romanian state border.

**Border Checkpoint** – Illegal passing through the border checkpoint (avoiding border check and hiding persons):

In 2010, 136 persons were detained at internal border checkpoints – 110 at entry and 26 at exit. Of these, 112 were detained at the Bulgarian-Greek border (107 at entry and 5 at exit) and 24 at the Bulgarian-Romanian border (3 at entry and 21 at

exit). Detained persons are mostly nationals of Afghanistan – 57, Iraq – 37, Pakistan – 18, Lebanon – 5, and 19 other nationals.

- Use of false documents or third person's documents given to use (use of false or third person's documents, visas, residence permits, etc. to pass through the border checkpoint):

In 2010, 60 third-country nationals were detained while trying to pass through the border checkpoint with false or third person's identity documents given to use – 4 at entry and 56 at exit. 22 persons were detained at the Bulgarian-Greek border (1 at entry and 21 at exit), 38 at the border with Romania (3 at entry and 35 at exit). By way of comparison, 119 third-country nationals were detained in 2009 (67 at the Bulgarian-Greek border and 52 at the border with Romania).

The illegal migrants detained at the state border (external and internal borders) total 1186, including 755 at green border (651 at external and 104 at internal border), 248 while trying to pass illegally through the border checkpoint (112 at external and 136 at internal border), 183 using false documents or third person's documents given to use (123 at external and 60 at internal border).

*A Strategy on Integrated Border Management in the Republic of Bulgaria, 2010-2013* has been adopted and is being implemented. The document provides a comprehensive framework for the implementation of the European and the Schengen acquis and of the national legislation in joint border management. The strategy is addressed to all government institutions having border management and control competences and is applied in country's participation in the common European area of security which guarantees both the free movement of people and goods and Bulgaria's internal security. The strategy sets out measures guaranteeing through continuous effective border control the reliability of the external borders up to all Schengen standards.

*An Integrated Black Sea Border Surveillance System* was built and put into operation. The set up of a National Coordination Center in accordance with the European Border Surveillance System (EUROSUR) is under completion.



Total **3376** administrative compulsory measures under the Law on Foreigners in the Republic of Bulgaria were imposed in 2010:

- ✓ *Prohibition to leave the country – 338;*
- ✓ *Prohibition to enter the country – 601;*
- ✓ *Revoked right to stay – 540,*
- ✓ *Expulsion -100,*
- ✓ *Compulsory taking to the national border – 1606.*

The analysis of statistical data shows an increase in the number of imposed administrative enforcement measures by 15% compared to 2009.

The lifting of controls at the internal borders of the Member States under the Schengen Agreement requires joint actions at the external borders of the Union in respect of third-country nationals. Bulgaria's EU commitments and its joining the Schengen Area call for full implementation of Community's common visa policy.

To date, Bulgaria applies partially the Schengen Acquis. The Bulgarian representations abroad issue only national visas which give right to entry and stay on the territory of Bulgaria for up to 90 days within a period of 180 days. After its joining the Schengen Area, Bulgaria will start issuing uniform visas giving right to movement throughout the Schengen Area.

The analyses of processed visa applications statistics for the past few years show a steep upward trend. The main factor for the jump in the number of visa applications since 2007 is the visa regime with Serbia and Macedonia introduced from 1 January 2007 (almost 200 thousand visas per year for the nationals of these countries alone). Next in significance is the increasing interest of Russian Federation, Ukraine, Belarus, and Moldova nationals in tourism travels to Bulgaria. For example, in 2010 alone, the number of visas issued to Russian and Ukrainian nationals increased by about 40%. This notable growth offsets the small number of visas issued to nationals of Serbia and Macedonia after the visa regime for nationals of these countries was lifted at end of 2009.

Another factor pushing the trend up is the increased number of visa applications by third-country nationals associated with Bulgaria's EU membership. No country stands out with a boom of applications for Bulgarian visas; the increase is evenly spread among a large number of different nationalities.

Considering refusals to issue a Bulgarian visa, their number increases for nationals of countries with higher immigration risk (some of the countries on the list in Annex 1 of Council Regulation (EC) No. 539/2001) – Algeria, Afghanistan, Iraq, Syria, with refusals to nationals of these countries varying between 30 and 40% of submitted applications.

The higher number of refusals results from the stricter requirements introduced in alignment with the European visa issuing legislation towards fulfillment of the criteria for Bulgaria's upcoming joining of the Schengen Area.

The relatively low share of refusals in total visas issued to all nationalities by all consular services is a result of the overall increase in the number of visa applications, attributable mainly to applications by nationals of countries with low immigration risk.

Total 603 993 national visas were issued in the period from January till December 2010.

The national legislation provides for a procedure enabling Bulgaria to be represented by another Member State or to represent other Member States in the issuing of visas.

### *3.3. Return*

The return policy is an important element of migration management. It rests on two principal approaches: voluntary and forced return, with priority given to voluntary return.

The mechanisms for implementation of return and readmission are based on the following acts and documents: Common standards and procedures in Member States for returning illegally staying third-country nationals, as laid down in

Directive 2008/115/EC – /the return directive/, transposed in 2009 with amendments to the Law on Foreigners in the Republic of Bulgaria; Council of Europe’s Twenty Guidelines on Forced Return, and readmission agreements.

Readmission agreements’ implementation is an important factor for preventing and counteracting illegal migration. The analysis of the implementation of concluded readmission agreements shows that they contribute for enhanced and more effective cooperation in combating illegal migration and facilitate the transfer of persons entering and/or staying illegally on the state territory of any of the contracting parties.

When implementing the return procedures, the Bulgarian authorities encounter problems caused by the absence of information and problems with establishing the identity of returnees. To enhance implementation efficiency, there is a need to improve the cooperation of Bulgaria’s diplomatic representations and institutions with important countries of origin. It is necessary to think about building a network of liaison officers within the embassies of third countries which are top generators of illegal migration pressure on Bulgaria. In the context of the common European policy for voluntary return of third-country nationals to their country of origin or usual residence, an additional set of norms and measures contributive of applying in the voluntary return procedures should be approved.

In 2010, the Republic of Bulgaria returned *246 people* under readmission agreements.

In 2010, within voluntary return procedures, the migration control bodies assisted the voluntary return of *147 persons* to their countries of origin or to safe third countries.

### *3.4. Counteracting human trafficking*

Protecting the human rights of the victims of trafficking is a guiding principle of all efforts to prevent trafficking in the Republic of Bulgaria.

The main drives of human trafficking are poverty and the underdevelopment of some regions, as well as the lack of awareness among the individuals at risk who are, in general, with low educational attainment and lack adequate social experience.

The most vulnerable group remains that of young women in the age bracket 18 – 30, girls under age and parentless children, men and women in active age for labor exploitation. The victims of trafficking usually come from regions with high unemployment and poverty levels. The main methods for implication in trafficking remain job offers, offers for education abroad for the young people, marriage proposals.

In the past five years the legislative amendments contributed for relative stability and slight increase in the number of criminal proceedings for human trafficking instituted in Bulgaria. The number of convicted persons shows a positive trend as compared to the number of accused persons.

In 2009, individuals convicted for human trafficking total 108, including 57 for internal trafficking for sexual exploitation and 33 for external trafficking for sexual exploitation. The 2008 statistics shows respectively 69 convicted persons.

The main challenges in combating human trafficking include lack of public awareness and knowledge about the risks of trafficking, identification of the victims, protection of children, in particular those who are victims of repeated trafficking. The Bulgarian institutions still encounter problems with gaining the confidence of victims and convincing them to testify against the traffickers so that adequate investigation could be carried out and heavy sentences could be passed. Bulgaria's joining the Schengen Area is expected to increase the migration pressure on the country which means that victims from third countries could enter Bulgaria through its border with Turkey.

### 3.6. *Asylum*

The Bulgarian State is obligated to guarantee to the foreigners seeking protection on its territory a fair refugee status granting procedure, a right to social and health insurance, free access to education, conditions for retraining and work, with the view of their better social integration.

The State Agency for Refugees at the Council of Ministers implements the state policy for foreigners who seek or have been granted protection under the Law on Asylum and Refugees. The Republic of Bulgaria provides four types of special protection:

- ✓ *Asylum* – it is granted by the President of the Republic of Bulgaria;
- ✓ *Temporary protection* – it is granted for a period as set out in a resolution of the Council of the European Union in the event of mass influx of foreigners who are forced to leave their country of origin;
- ✓ *Refugee status* – it is granted by the Chairperson of the State Agency for Refugees to foreigners satisfying the criteria laid down in the Geneva Convention and the Law on Asylum and Refugees;
- ✓ *Humanitarian status* – it is granted by the Chairperson of the State Agency for Refugees to foreigners who are forced to leave and stay outside their country of origin.
- ✓ *Asylum, refugee status and humanitarian status* are granted on basis of individual examination of applications, whereas temporary protection is granted to a group, every member of the group being considered prima face (that is, in the absence of evidence to the contrary) a refugee.

Two registration and acceptance centers are currently operational in the Republic of Bulgaria: one in the village of Bania, Nova Zagora Municipality, with a capacity of up to 50 people and another one in Sofia with a capacity of up to 500 people. These centers organize the registration, accommodation, medical checks, social and medical assistance of the persons seeking protection. They are with an open regime which means that the foreigners accommodated there are free to go out and come back while abiding by the centers' internal rules.

From the beginning of 2010 to date, 760 people from 49 countries and stateless have filed applications for a status and refugee status was granted to 18 people from 6 countries. Humanitarian status was granted to 94 persons from 12 countries.

Opening of a Transit Center in the village of Pastrogor, Svilengrad Municipality, Haskovo Region, is pending. The center is set up in the region of Svilengrad because the main inflow of illegal immigrants comes via the territory of our southern neighbor Turkey.

In addition to the centers where the procedure for granting protection is conducted, there is also an Integration Center at the State Agency for Refugees with the Council of Ministers which provides Bulgarian language courses and directs refugees to educational institutions. It organizes the vocational training of foreigners seeking or granted protection. The Integration Center assists foreigners with granted status in finding jobs and provides them with counseling on social assistance matters.

*National Program for Integration of Refugees, 2011-2013* was adopted and is being implemented.

### *3.7. Legal migration. Free movement and economic migration*

The free movement of persons is a fundamental principle and together with the free movement of goods, services and capital it provides not only the basis of the single market and of the enhanced competitiveness of the EU economies, but also an environment conducive of development of entrepreneurship and small and medium business under the conditions of equal rights and opportunities for all European citizens.

A network of Labor and Social Affairs Offices (LSAO) of the Ministry of Labor and Social Policy (MLSP) established in the Bulgarian embassies in other Member States has been created to contribute to the practical implementation of the free movement of Bulgarian nationals and to help them exercise their rights in the field as EU citizens.

To date, Labor and Social Affairs Offices of MLSP are operational in the Bulgarian embassies in Madrid, Athens, Berlin, London, Dublin and Nicosia. Opening of the LSAO in Paris is pending and the LSAO in Berlin is expected to extend its work to cover Vienna.

The LSAO network has helped to raise the awareness of the Bulgarian nationals in other Member States about their rights as EU citizens. The LSAOs of Bulgaria will continue to play an important role in the protection of the rights of Bulgarian nationals living and working abroad, in raising the awareness of the Bulgarians in the other Member States about free movement matters through on the spot counseling in the state of residence within information days, during reception days organized outside the office and in their day-to-day operation, through the local media and other methods, including with a view to encourage the two-way mobility of Bulgarian nationals.

The information campaigns in Bulgaria aiming to raise the public awareness about the legal provisions in the field, as well as the bilateral agreements signed in the field have helped to decrease the cases of undeclared work by Bulgarian nationals in the past two years.

Individuals with registered present address abroad total 19 039, including almost 44% men and 56% women. Almost 52% of the emigrants are in the age group 20 – 39. The relative share of emigrants in the age bracket 40 – 59 is 24%. The youngest emigrants (under the age of 20) account for 21% and the share of those aged 60+ is almost 3%.

The sample-based survey of passenger flows conducted by NSI shows that almost 52% of the emigrants leave the country for permanent employment abroad, 15% - to continue their education and 10% – to get married, to settle there or for another reason. About 20% of migrants are accompanying persons, including children.

To date, 16 Member States do not apply transitional periods for the access of Bulgarian nationals to their national labor markets:

Greece, Cyprus, Spain, Portugal, Sweden, Denmark, Romania, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Hungary, Finland, and the Czech Republic.

Another 10 Member States apply transitional periods for Bulgarian workers: Austria, Belgium, Germany, Ireland, Italy, Luxembourg, Malta, the Netherlands, the United Kingdom, and France.

The site of the Ministry of Labor and Social Policy features a section on Labor and Social Affairs Offices which provides information on the life and working conditions in the different Member States. A major source of information about the options of legal labor migration of third-country nationals to Bulgaria is the official site of the Employment Agency.

Bulgaria continues its successful participation in the EC's Mobility Partnerships – an initiative introduced under the Global Approach to Migration. Experts from the Ministry of Labor and Social Policy and the Ministry of Interior took part in different activities under the two Mobility Partnerships with Moldova and Georgia.

Bulgaria is an active actor in the global migration and development processes. In 2006 it participated in the global UN High-Level-Dialogue in New York which resulted in the set up of the Global Forum on Migration and Development (GFMD).

Bulgaria was a key initiator and organizer of a new regional process for the Balkans and Ukraine aiming to develop and enhance the cooperation on migration and employment matters.

The First International Expert Conference on Migration and Employment held in Sofia from 3 to 5 November 2010 adopted a declaration establishing the new Sofia Migration and Employment Process to whose development the International Organization for Migration has actively committed itself.

### *3.7.1. Foreign nationals studying in licensed educational institutions on Bulgarian territory*



Acquired specialities, knowledge of Bulgarian, a relatively high integration in the Bulgarian society during their education in Bulgaria make this category of specialists a potential group that could settle permanently in the country.

In 2010, residence permits for studying were issued to total 5 741 foreigners, including to Turkish nationals which represent the largest group of 3561 persons, Macedonian nationals – 596, and Moldovan nationals - 232.

The number of foreigners of Bulgarian origin residing in Bulgaria for the purposes of studying is on an upward trend.

### *3.7.2. Citizenship and naturalization*

The policy for granting Bulgarian citizenship is a key element of the management of migration processes by the State. It is combined with monitoring and control of the process and prevention of actions posing threat to the national security. It is advisable to expand the admission of students who are third-country nationals of Bulgarian origin, as well as of refugees who can contribute to the development of the Bulgarian society.

The highest number of applications for Bulgarian citizenship is submitted on the grounds of Bulgarian origin – over 90% of all files. The Bulgarian Citizenship Act which regulates the conditions for acquisition, loss and reinstatement of Bulgarian citizenship was amended in May 2010. The amendment notably cuts down the time for granting Bulgarian citizenship to persons of Bulgarian origin. Such persons are not required to reside permanently in the Republic of Bulgaria as of the filing date of the application, to acquire naturalization, to have command of the Bulgarian language, to have income or an occupation enabling them to support themselves in Bulgaria and to be released from their previous citizenship.

## *3.9. Integration*

### *3.9.1. Integration of third-country nationals*

The policy for integration of the immigrants residing legally in the country is implemented on basis of the Common Basic Principles for Immigrant Integration Policy in the European Union. A balance between immigrants' rights and obligations has been ensured. The integration policy is an integral part of Bulgaria's state policy in the field of legal migration.

The existing Bulgarian legislation on equal opportunities and non-discrimination is modern and well developed. It is fully aligned with the European standards. The Law on Protection against Discrimination transposes in full the European equality directives, regulating the protection of all natural persons on the territory of the Republic of Bulgaria against all forms of discrimination while contributing also to the prevention of discrimination and laying down equal opportunity measures.

Statistics shows that in the year of Bulgaria's EU accession – 2007, the top 5 third countries in terms of the number of nationals residing permanently in Bulgaria are: Russia – 21 309 people, Ukraine – 5 350, Macedonia – 4 375, Turkey – 3 828, and Moldova – 2 203.

According to National Revenue Agency's (NRA) statistics, in the beginning of 2008, 21 019 third-country nationals worked under employment contracts in Bulgaria and 4 695 foreigners were self-employed.

In October 2010, the top five regions in terms of the number of third-country nationals with long-term stay permits include:

- Sofia city – 4 463 people;
- Varna – 2 012 people;
- Plovdiv – 1 646 people;
- Burgas – 1 072 people;
- Blagoevgrad – 782 people.

In 2009, 3 310 persons applied for a permanent residence registration in Bulgaria. The relative share of men is 58% and of women - 42%. Almost 44% of those who came to live in Bulgaria are in the age group 20 – 39 and 24% are in

the age bracket 40 - 59. The youngest (under 20 years of age) make up 19% and the eldest, aged 60+, account for 13 %. Almost 18% of those who came to live in Bulgaria migrated for a permanent job. Significantly higher is the share of those who came to the country by way of migration, marriage or for other reasons - 49%. Accompanying persons, including children, make up 33%.

The immigrant integration policy is implemented with support from the European Integration Fund. Information and integration centers assisting newly arriving foreigners by providing them with information which is necessary for their stay in the country were opened in Sofia and the other three largest Bulgarian cities under projects supported from the European Fund for the Integration of Third-country Nationals.

Stolichna Municipality (the capital city municipality) launched the Open Cities project for development of a local action plan on migration.

### *3.9.2. Integration of refugees*

The Republic of Bulgaria pursues a consistent policy for the integration of refugees. Bulgarian language courses are organized for the refugees. Such courses could become an established practice aimed at facilitating the integration of all legally residing immigrants. Projects aiming to enhance and strengthen the administrative capacity for the integration of immigrants from third countries have been implemented with support from the European Integration Fund, but this capacity remains relatively limited.

The Integration Center within the State Agency for Refugees provides Bulgarian language training and directs refugees to educational institutions. It organizes the vocational qualification of foreigners seeking or granted protection. The Integration Center assists foreigners with granted status in finding jobs and provides them with counseling on social assistance matters.

In accordance with the *National Program for Integration of Refugees*, the latter receive for their education a package of initial integration measures aligned with the existing legislation and are involved in literacy and qualification programs of

the Ministry of Labor and Social Policy. The package of measures ensures to the refugees minimum social protection for the period of their training: bursary for the days of training, financial assistance for accommodation, health insurance, lump-sum cash benefit, in-kind benefit.

### *3.10. Forecasts and conclusions*

#### *3.10.1. Forecasts:*

- ✓Bulgaria's joining the Schengen Area will lead in the next few years to increased migration pressure on the country from both illegal migration and persons seeking asylum and protection. Our country must prepare for that by taking adequate preventive measures in the field of security and fight against illegal migration, and integration measures for persons who have been granted asylum in Bulgaria;
  
- ✓The Republic of Bulgaria transformed gradually from an emigration and transit country into one attracting immigrants. Data show a slowdown in emigration and a steady upward trend of immigration to Bulgaria. This means that the country must have in place national policy enabling it to manage successfully the immigration processes, including the integration of immigrants, in order to remain sustainable and effective having in mind these mid-term and long-term development trends;
  
- ✓The demographic picture of Europe reveals population ageing trends. In an economic aspect this means labor force decrease which must be offset by importing labor from third countries;

#### *3.10.2. Conclusions:*

##### *1. Condition of the regulatory framework*

There is a tendency of transposing the European migration legislation “on a piecemeal, sector by sector basis”. Given the variety of relations that are being

regulated in the field of free movement and illegal migration, there is a need to review migration regulations towards improving the practical implementation of the legislation in the field

### *2. Institutional arrangement*

The responsible institutions are scattered under the hats of different ministries and agencies and this impedes their interaction and cooperation. There is lack of a unit coordinating and controlling the implementation of the government migration policies.

### *3. Administrative capacity of the professionals working in the field*

Officials are underqualified; there is lack of specialized training on migration issues.

The administrative capacity needs to be developed to enable the administration to make its active and quality contribution in formulating the priorities of both the national and the common European migration policy. In that light, there is a need to invest in training and improving the pay of the administration in order to ensure active and competent participation of Bulgaria in migration policy formulation at EU level.

### *4. Information support*

There are problems with the collection and analysis of the statistical information provided by different competent institutions. Some issues stand out, such as lack of opportunities for qualitative and quantitative studies needed for comparability and preparing of quality analysis and forecasts, including for publicity of the data about the migration situation in Bulgaria.

Considering information support, there is a need to take further action to provide migration policy with comparable statistical data, analyses, studies, public opinion surveys, etc.

Due regard is given to the importance of raising public awareness by ensuring publicity of migration situation reports, holding necessarily public discussions on legislative amendments, organizing migration policy forums, envisaging

forms of citizen control on the implementation of the measures set out in the action plans.

There is a need to create and develop national integration forums, to enhance the information exchange and cooperation at national level between institutions, non-governmental and international organizations, to make effective use of the European Fund for the Integration of Third-country Nationals forum and the European website.

#### *5. Illegal migration, return and fight against human trafficking*

There is absence of sustainable voluntary return policies as an important tool for decreasing illegal migration and pursuing an effective migration policy.

Furthermore, there is a need to improve the procedures for implementation of the measures for administrative enforcement (“compulsory taking to the Bulgarian border” and ‘expulsion”), to develop voluntary cooperation programs, to strengthen the administrative capacity of the officials directly concerned with return procedures.

Due regard should be given to the need to increase the collectability of information on the countries of origin and to enhance the proactive role of the diplomatic and consular representations in providing information on the situation in the respective countries.

Thought should be given to opportunities for more active provision by embassies of information on the situation in the respective countries and developing, on that basis, lists of safe third countries.

There is also a need to step up the development of the national policy for combating human trafficking, to elaborate action plans for the prevention of this phenomenon, and to upgrade the existing mechanisms.

#### *6. Asylum*

Currently Bulgaria lacks an operational practical mechanism and institutional capacity to fulfill the basic standards for receiving asylum seekers in accordance with European legal norms, in particular Directive 2003/9/EC laying down

minimum standards for reception of asylum seekers. There is also absence of a legal mechanism for providing medical services to refugees as stipulated in the Law on Asylum and Refugees.

Considering the cooperation and coordination with other competent state authorities, there is a need to introduce explicit rules for ensuring access to territory and to a procedure for persons seeking international protection and for distinguishing them from the illegally residing migrants – third country nationals. This is necessary in order to provide legal guarantees for abidance by the principle of non-refoulement and non-penalization laid down in the Geneva Convention relating to the status of refugees and in the national legislation.

Good European practices of payment for the socially useful work carried out by persons who are in a procedure for granting of status under the Law on Asylum and Refugees are not regulated and implemented.

#### *7. Legal migration, free movement and integration*

In 2009 and 2010, in consequence of the crisis, Bulgaria did not attract the same number of third-country nationals as in 2008 – the year of marked economic upsurge. This is explainable by the fact that at times of crisis protection of the national labor market comes first – keeping jobs to the nationals of the respective country with a view to decrease unemployment.

In 2008, several third countries, such as Moldova, Ukraine and Armenia, were selected on a number of indicators for starting consultations with them on the signing of bilateral labor migration agreements. With the onset of the crisis in 2009, this activity was put aside and efforts focused on conquering national unemployment.

The activity is laid down under Priority VI, Objectives 134 and 136 of the Program of the Government of European Development of Bulgaria and in 2011 efforts should focus on projects for the conclusion of labor migration agreements with Moldova, Ukraine and Armenia.

The analysis shows that the “blue card” mechanism will not be sufficient given that at this stage Bulgaria is unable to compete economically and socially with the

other EU Member States in the rivalry to attract the best experts. There is a need to implement special national policy for attracting highly qualified migrants.

The work and the social dialogue within the National Labor Migration Council at the Minister of Labor and Social Policy need to be further intensified. This council has key responsibilities for implementing the arrangements for the access of third-country nationals to the Bulgarian labor market, as well as in the decision making on updating the regulations in the field and also in relation to employment agreements or labor migration regulation agreements.

There is a need to set up and develop national integration forums, to enhance the information exchange and cooperation at national level between institutions, NGOs and international organizations, to make effective use of the European Fund for the Integration of Third-country Nationals forum and the European website.

The integration of immigrants is a precondition for stable economic growth, but only in an environment of social unity and fruitful multicultural dialogue in the society.

There is a need to involve the media and the academic community with a view to raising the awareness and knowledge about the objectives and priorities of the national migration policy.

The government policy must focus on enhancing the social integration of the persons of Bulgarian origin who have been granted Bulgarian citizenship or who reside permanently on the territory of the Republic of Bulgaria. To attain this objective, there is a need to create a uniform regulatory basis governing the socialization and integration processes.

The draft new *Law on Bulgarian Communities and Bulgarians outside the Republic of Bulgaria* provides for facilitated conditions and procedure for granting permanent residence permits to Bulgarians who are third-country nationals or stateless persons and want to establish in the Republic of Bulgaria.



## IV. NATIONAL MIGRATION, ASYLUM AND INTEGRATION POLICIES IN THE PERIOD 2011 – 2020

The national migration, asylum and integration policy is a system of interrelated priorities and sector policies aligned with the national interests and the EU policy. The objectives and policies laid down in the National Strategy of the Republic of Bulgaria on Migration and Integration (2008-2015) are closely linked to the fundamental principles of the European Pact on Immigration and Asylum.

### **1. Priorities**

- Guaranteeing the security of the external borders of the Union;
- Effective counteraction of illegal migration;
- Effective counteraction of trafficking in human beings;
- Ensuring in a fair, effective and transparent manner high level of protection of asylum seekers, refugees and persons granted humanitarian status;
- Establishing the principles of good governance in the regulation of legal migration with a view to contributing to the economic development of Bulgaria;
- Attracting highly qualified Bulgarian nationals – emigrants, as well as foreigners of Bulgarian origin, to permanently establish and settle in the country;
- Guaranteeing the fundamental rights of migrants – political, social, economic, etc.
- Fight against corruption.

### **2. Policies for border control and visas, fight against illegal migration, return and human trafficking**

#### *2.1. Border control*

Border control is an integral part and a key element of an effective migration policy, which helps to counteract illegal migration.

The Republic of Bulgaria should proceed with the effective fulfillment of its commitments for full implementation of the European standards of border control and surveillance in line with the Schengen border acquis.

The institutions concerned must apply in full the measures and policies laid down in the Strategy on Integrated Border Management, 2010-2013. There is a need to enhance the cooperation with the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX).

There is also a need to strengthen the administrative capacity and provide continuous training to the officials operating the National Schengen Information System, as well as to enhance the border surveillance measures, including compensatory measures.

## *2.2. Visa policy*

As an element of the EU's immigration policy, the visa policy aims to contribute to the establishment of a single area of freedom, security and justice. The lifting of internal border controls between the Member States under the Schengen Agreement calls for taking joint actions at the external borders of the Union in respect of third-country nationals.

The Republic of Bulgaria recognizes the importance of the EU common visa policy and focuses efforts on its implementation.

Bulgaria's migration management responsibilities will increase when the country enters the Schengen Area. On one part, this means higher migration pressure on the country and also higher number of visa applicants. The visas to be issued by the competent Bulgarian authorities will enable their holders to move freely on national territory as well as throughout the Schengen Area.

The Republic of Bulgaria will be part of and an active player in the visa consultation process. The competent Bulgarian authorities will be entrusted with the responsibility to consult with the authorities of other Member States on certain citizenships and individual categories of citizens in the visa issuing process. There is a need to introduce the European standards of judicial review and inspection of the acts of visa authorities in terms of the grounds for refusal

to issue a visa, in order to provide further legal guarantees for protection of national security and prevention of corruption.

### *2.3. Illegal migration and return*

The return policy is an important tool helping to curb illegal migration by sending a clear message to potential migrants that compliance with migration legislation provisions is the only way to benefit from immigration. Optimal results can only be achieved if the return policy is combined with effective border management system and asylum policy, as well as with adequate legal admission and integration arrangements. On the other hand, return and reintegration issues go beyond migration policy; they are a key element of the foreign policy and of the cooperation developed with counties of origin and transit countries of international migration flows.

The Republic of Bulgaria pursues a transparent, balanced and humane return policy with due regard to persons' individual needs and to the reintegration situation in the country of origin. Return programs target not only illegal migrants and asylum seekers who have not been granted asylum; they also offer assistance to legal migrants who want to return to their home country.

The Bulgarian return policy gives clear preference to voluntary return as a first and welcome opportunity. Bulgaria believes that voluntary return and the returnees' consent contribute for: implementation of return policies respecting the dignity of returnees; guaranteed cooperation of returnees and enhanced sustainability of the return measures; improved return processes efficiency in terms of both time and costs. Forced return should be applied as an extreme measure, confirming that the combined approach of voluntary return policies and implementing arrangements will minimize the need of forced return operations.

To fulfill the measures planned, Bulgaria focuses its efforts on:

- Continuing and enhancing its commitment for negotiation and conclusion of readmission agreements with important counties of origin and transit countries of illegal migration flows to Bulgaria – both bilateral and at EU level.

- Improving the interinstitutional cooperation and the coordination of all institutions responsible for return management.
  - Enhancing the professionalism and improving the training of all the staff (involved in voluntary and forced return).
  - Strengthening the institutional capacity in the field of documents receiving.
  - Strengthening the institutional capacity in the field of detention.
  - Enhancing the cooperation with third countries.
  - Strengthening the cooperation with the EU Member States and FRONTEX.
- Aligning the Bulgarian return policy with the EU standards in order to put in place effective return and readmission policies.
- Promoting the development of the Bulgarian voluntary return policy. Encouraging the development and implementation of targeted voluntary return and reintegration programs.
  - Promoting the development and implementation of special programs for assisted voluntary return (AVR) targeted at vulnerable groups.
  - Strengthening and developing the cooperation with the countries of origin, with focus on assisted voluntary return and reintegration.
  - Enhancing the cooperation in the field of assisted voluntary return (AVR) with international and non-governmental organizations.
  - Strengthening the capacity of the law enforcement institutions for protection of personal data in the migration management process.

#### *2.4. Combating human trafficking*

The fight against human trafficking remains in the focus of the national migration policy of the Republic of Bulgaria, given country's geographical situation and its future role in the management of the external borders of the Union.

Towards successful fight against human trafficking, an integrated approach is applied, with focus on:

- prevention of trafficking and repeated trafficking;
- prosecution/sentencing of traffickers ;

- improving the procedures for return, protection and integration of the victims;
- strengthening international cooperation;
- protecting human rights and assisting the victims and witnesses;
- implementation of anti-corruption measures, in particular against the implication of police officers, magistrates and other officials;
- proactive and counteractive investigation, including through improved cooperation and joint data collection and analysis by police offices and other competent institutions.

### ***3. Asylum policies***

Bulgaria is fully committed to the development of a European asylum policy which gives due regard to Member States' independence in resolving individual applications for protection as well as to their participation in practical solidarity measures. An important objective is to guarantee and achieve a balance between government policy priorities and the undertaken international commitments; to strictly differentiate the powers and ensure the coordination of the state bodies engaged in the protection of the fundamental rights and freedoms of foreigners seeking protection.

The Republic of Bulgaria will continue to work consistently towards the implementation of the Stockholm Program which provides the strategic basis for realization of the common European policy whose ultimate goal is the establishment by 2012 of the Common European Asylum System.

The State Agency for Refugees has committed itself to contributing for the success of the new European Asylum Support Office. The Republic of Bulgaria should take active part in the implementation of EASO projects – Interpreters' Pool Project and Administrative Capacity Project.

The institutions involved need to focus their efforts on full absorption of the resources from the European Refugee Fund and on making up for the delayed implementation of the adopted multiannual and annual programs financed from ERF, including on establishment of the ERF Program Monitoring Committee organized on a broad interinstitutional basis and involving representatives of the civil society and UNHCR, so that mechanisms and guarantees for preventing corruption in the absorption of the resources from the Fund are put in place.

A National Resettlement Program for Refugees should be developed within the UNHCR Resettlement Program and in adherence to international resettlement standards.

There is a need to organize and commission the Country of Origin Information Resource Centre towards implementation of the European measures for

development of reference tools for evaluation and improvement of the quality of procedures and for issuing decisions on international protection applications, and in order to strengthen the administrative structures to help them address the challenges of intensified practical cooperation of Member States.

European good practices and minimum standards of receiving, accommodating and assisting persons in a procedure for granting status should be introduced.

There is a need to initiate discussions on the so-called “status of tolerance”, to study Member State practices and to introduce procedures for providing medical support to refugees.

European good practices of financial support have to be introduced by providing the persons in a procedure under the Law on Asylum and Refugees with opportunities to carry out paid socially useful work.

Special focus is to be placed on the need to enhance the cooperation with third countries and to make effective use of the EU financing tools and the mechanisms for return of unattended persons and other vulnerable groups to their countries of origin and ensuring their reintegration there.

#### **4. Migration, development and integration policies**

The Republic of Bulgaria will continue to work consistently for the development of the common European migration policy, which complements the national policies of the Member States, and to prepare for elaboration of the Immigration Code as set out in the Stockholm Program. In that light, Bulgaria supports the discussion and adoption of the special directives laid down in the December 2005 Legal Migration Plan which regulates the entry and stay of third-country nationals under the conditions of intra corporate transfer and as seasonal workers.

Discussions on the secondment of workers also have priority, given the need to clarify the obligations of national authorities and to enhance their cooperation at EU level.

Bulgaria also supports the establishment of a Member States coordination mechanism on the integration of legally staying third-country nationals. The integration policy should be linked to the labor market demand for workers.

Bulgaria gives due regard to the positive relation between migration and development as an essential element of migration management. Priority should be given to maximum development and effective management of legal migration, in particular labor migration, including by pursuing a real policy reflected in specific projects and supported at European level. Bulgaria will work towards achieving greater progress within the Global Approach to Migration. The cooperation and political dialogue with all countries of origin and transit should be enhanced and the Mobility Partnerships, circular migration, as well as the migration and development cooperation platforms, should be promoted. In that light, work should be focused with priority on the implementation of the Mobility Partnerships with Moldova and Georgia and the conclusion of one with Armenia, as well as on identifying other potential countries of interest to Bulgaria.

The Republic of Bulgaria pursues an effective integration policy aiming to successfully integrate the foreigners residing legally in the country by granting to them equal rights, responsibilities and opportunities. The Bulgarian integration policy should be supported by setting up and strengthening structures and instruments for information exchange and coordination with other relevant policy areas such as employment, education and social integration. The competent national institutions focus their efforts on: strengthening and expanding the network of immigrant information centers in the regions with higher concentration of immigrants; making use of introductory and multicultural educational programs; sustainable dialogue with the immigrant communities and organization of integration courses and information campaigns.

The competent institutions should conduct on a regular basis research on the number of persons granted Bulgarian nationality and their subsequent social integration.



Bulgaria should proceed with the policy of expanding the range of measures for providing services and support to Bulgarian emigrants. The Labor and Social Affairs Offices at the embassies should be viewed as just a first step of a program for offering services to Bulgarian emigrants outside embassy's offices.

Priority is to be given to covering with education measures the large percentage of underage Bulgarian nationals going abroad with their parents.

There is a need to further enhance the capacity of the Bulgarian embassies abroad by facilitating the access to medical institutions, translators and interpreters, lawyers, etc.

Mechanisms for effective cooperation of the Ministry of Education, Youth and Science with the universities which are a tool for attracting educated immigrants should be developed and put in place.

There is a need to pursue an effective policy for protection of the fundamental rights of migrants by planning measures for legal assistance to the target group members, guaranteed right to interpretation and translation and prevention of discrimination and xenophobia.

#### **5. Improving the institutional system and the regulatory basis, enhancing the administrative capacity.**

The Ministry of Interior, in line with its legal competences, plays a leading role in the implementation, interaction and coordination of migration management.

The analysis carried out and the priorities and policies formulated call for the set up of a *National Council on Migration Policy* at the Minister of Interior with a view to improving the interaction and coordination of the structures engaged in the migration processes.

The members, functions and responsibilities of the National Council on Migration Policy are determined with an act of the Council of Ministers of the Republic of Bulgaria.

Its operation is organized by a permanent secretariat set up within the MoI administration.

The National Council on Migration Policy makes proposals to the government for necessary changes in the institutional system and the regulatory basis and draws up and proposes draft decisions on migration which fall under the competence of the Council of Ministers.

The council operates as a link between the institutions concerned, the local authorities and the non-governmental sector involved in migration management initiatives.

The council carries out implementation and control tasks in relation to:

- continuous monitoring of migration policy implementation;
- overseeing and analysis of the implementation of migration policy's objectives;
- drafting expert opinions on proposals for legislative amendments and on resolving factually and legally complex cases;
- coordination and cooperation with international institutions and organizations for the provision of technical assistance on asylum and migration issues;
- initiation of training courses aimed at strengthening the administrative capacity of the officials working in the field of migration, integration and asylum;
- development of migration studies in cooperation with research institutions and the academic circles.

### **6. Cooperation with the non-governmental sector**

The institutions engaged in migration policy's implementation work in cooperation with the non-governmental and other organizations involved in migration processes' regulation, through: active dialogue, joint participation in the implementation of projects, making use of non-governmental sector's expertise, etc.

The State authorities cooperate on the civil monitoring of their activity in the field of asylum and integration and take into consideration the respective findings, recommendations and proposals.

## **7. Relation to the existing National Strategy of the Republic of Bulgaria on Migration and Integration (2008-2015)**

The National Strategy of the Republic of Bulgaria on Migration and Integration (2008-2015) adopted in 2008 will be revised and remain in effect in the form of a Migration and Integration Program (2008-2015) focusing on the implementation of the legal migration, integration and development policies and measures laid down therein. The national program will be financed as before from the budgets of the institutions concerned.

## **8. Financing of strategy's implementation**

This Strategy is financed from the state budget through the budgets of the respective institutions and from the financial instruments of the EU.

## **9. Strategy implementing and reporting mechanism**

The Council of Ministers approves on a proposal by the National Council on Migration Policy an annual implementation plan for the strategy. The National Council on Migration Policy provides guidance and control on the plan's fulfillment.

Within the first quarter of the year, the National Council on Migration Policy introduces in the Council of Ministers a report on strategy's implementation in the previous year.

### ***1. Expected results***

- ❖ Established effective mechanism for coordination and interaction of all competent structures towards better management of migration processes;
- ❖ Improved migration regulations;
- ❖ Improved cooperation between the institutions and the non-governmental sector;
- ❖ Effective actions against illegal migration and human trafficking by carrying out border control, preparing information on migration routes, encouraging voluntary return and developing an integrated return approach through enhanced cooperation with the countries of origin and transit within the Global Approach to Migration.
- ❖ Intensified practical cooperation between the national administrations of Member States working in the field of asylum and refugees;
- ❖ Maintaining and strengthening the visa system of the Republic of Bulgaria in line with the European requirements and the need to protect the external border of the Union;
- ❖ Established legal, institutional and practical guarantees for the exercise of the right of asylum and international protection of persons in need of such protection, in accordance with the recognized international and European standards;
- ❖ More efficient absorption of the European funds towards implementation of the border, return, refugee and integration policy;
- ❖ Strengthened administrative capacity of the officials working in the field of migration through the provision of regular training to the state administration, the local authorities, the social partners, the academic circles and the civil society;
- ❖ Information and statistics support of migration processes towards their more effective management;

- ❖ Achieved optimal involvement of the country in the EU-level decision making process on migration and, accordingly, in the implementation of adopted decisions;
- ❖ Achieved full access to the labor markets of all EU Member States for Bulgarian workers and encouraging the return on the Bulgarian labor market of the Bulgarian nationals working abroad.
- ❖ Attracting permanently third-country nationals of Bulgarian origin to settle in the country, for the purposes of the labor market.
- ❖ Attracting Bulgarian emigrants back to Bulgaria with a view to their definite return;

### **2.A mechanism for assessment and corrective action**

The National Council on Migration Policy evaluates in its annual report the implementation of the strategy and makes proposals for amendments thereto on basis of an analysis of the changes in the economic, social and political situation in Bulgaria and in the EU.