

# **LAW FOR THE ASYLUM AND THE REFUGEES**

*Prom. SG. 54/31 May 2002, amend. SG. 31/8 Apr 2005, amend. SG. 30/11 Apr 2006, amend. SG. 52/29 Jun 2007*

## **Chapter one. GENERAL**

Art. 1. (1) This law settles the conditions and the order of providing special protection to foreigners on the territory of the Republic of Bulgaria, as well as their rights and obligations.

(2) The special protection provided by the Republic of Bulgaria to foreigners according to this law includes asylum, refugee status, humanitarian status and temporary protection.

Art. 2. (1) The President of the Republic of Bulgaria shall provide asylum.

(2) (amend. – SG 52/07) The Council of Ministers shall provide temporary protection, introduced by a Decision of the European Union Council.

(3) The chairman of the State Agency for the Refugees shall provide a refugee status and a humanitarian status by virtue of the Convention for the refugees status of 1951 and the Statement for the refugees status of 1967, of the international acts on the protection of the human rights and of this law.

Art. 3. (1) The Republic of Bulgaria shall fulfil its obligations under of the Convention for the refugees status of 1951 and the Statement for the refugees status of 1967 through its state bodies, in co-operation with the High Commissioner of the United Nations Organisation for the refugees.

(2) The High Commissioner of the United Nations Organisation for the refugees, through his representative in the Republic of Bulgaria, shall have the right to information, as well as to access to each stage of the proceedings for providing refugee status, humanitarian status and temporary protection. He can be introduced to each specific case and give written or verbal opinion on it.

Art. 4. (1) Every foreigner can request protection provided in the Republic of Bulgaria in compliance with the provisions of this law.

(2) The request for providing protection shall be made personally and by own will.

(3) A foreigner who has entered the Republic of Bulgaria in order to seek protection, or who has received protection, cannot be returned to the territory of a country where his life or freedom are threatened for reason of race, religion, nationality, belonging to a definite social group or political opinion and/or conviction, or he has been exposed to a danger of torture or other forms of cruel, inhuman or humiliating attitude or punishment.

(4) The rights under para 3 cannot be exercised by a foreigner seeking or having received protection, for whom there are grounds to consider that he poses a danger for the

national security or who, once convicted by an enacted sentence for a severe crime poses a threat for the society.

(5) A foreigner who has entered the Republic of Bulgaria not by the legal order for the purpose of seeking protection, arriving directly from a territory where his life and freedom have been threatened, shall be obliged to present himself immediately to the competent bodies and point out valid reasons for his illegal entry or stay on the territory of the country.

Art. 5. The foreigners seeking and having received protection in the Republic of Bulgaria shall have the rights and the obligations according to this law and shall bear civil, administrative and penal responsibility under the conditions and by the order valid for the Bulgarian citizens.

Art. 6. (1) (prev. Art. 6, amend. – SG 52/07) The legal capacities under this law shall be exercised by officials of the State Agency for the Refugees. They shall establish all facts and circumstances of importance for the proceedings for granting of a status of a refugee or of a humanitarian status and shall provide assistance to foreigners, having file applications for such status.

(2) (new – SG 52/07) Upon request of the President of the Republic of Bulgaria the officials in the State Agency for the Refugees shall establish all facts and circumstances of importance for the proceedings for granting of asylum and shall provide assistance to the administration of the President of the Republic of Bulgaria.

Art. 6a. (new – SG 52/07) In case of application of the law child's interest shall be of primary importance.

## Chapter two. TYPES OF SPECIAL PROTECTION

Art. 7. (1) (prev. Art. 7 – SG 52/07) Asylum is the protection provided by the Republic of Bulgaria to foreigners who are victimised for reasons of their convictions or activity in defence of internationally recognised rights and freedoms.

(2) (new – SG 52/07) The President of the Republic of Bulgaria shall grant asylum also when he considers that the state interests or special circumstances require so.

Art. 8. (1) (prev. art. 8 – SG 31/05; amend. and suppl. – SG 52/07) Status of refugee in the Republic of Bulgaria shall be provided to a foreigner who has valid reasons to fear from victimisation due to his race, religion, nationality, belonging to a definite social group or political opinion and/or conviction, who is outside the country of origin, and for this reason he cannot or does not want to use the protection in this state or return to it.

(2) (new – SG 52/07) For granting a status under par. 1 the circumstance whether the foreigner belongs to this race, religion, nationality, a definite social group or expresses political opinion or acknowledges political convictions, which are the cause of persecution, shall not be relevant. It shall be sufficient that the persecuting body or the organization

consider that the foreigner has got such pertinence.

(3) (new – SG 52/07) Persecution can be carried out by a state body or organization, to which the state cannot or is not willing to counteract efficiently.

(4) (new – SG 52/07) Persecution shall be violation of basic human rights or cumulative actions, leading to violation of basic human rights, heavy enough in terms of their nature and repetition.

(5) (new – SG 52/07) Actions of persecution can be physical or mental abuse, legislative, administrative, police or judicial measures, which are discriminatory or are applied with discriminative purpose, including penalties for dodging military service, which would lead to perpetration of acts under Art. 12, par. 1, item 1 – 3.

(6) (new – SG 52/07) The fear of persecution may be based on events, having occurred after the foreigner has left his/her country of origin, or on activity, having been carried out by him/her after his/her departure, unless it has been carried out with the sole purpose of obtaining protection by this foreigner pursuant to this law.

(7) (new – SG 52/07) The protection can be implemented when a state body or organization, controlling the state or a significant part of its territory, undertakes measures against persecution and the foreigner has got access to this protection.

(8) (new – SG 52/07) A refugee status may not be granted, provided that in a part of the state of origin no reason for fear of persecution with regard to the foreigner is existing, whereas he/she may use effective protection there without hindrance and on a continuous basis.

(9) (new – SG 31/05; prev. par. 2, amend. – SG 52/07) As refugees shall be considered the spouse of a foreigner with conceded statute of refugee and their minor and under-aged not married children as far as this is compatible with their personal status or the circumstances under Art. 12, par. 1 are available.

(10) (new – SG 31/05; prev. par. 3 – SG 52/07) When a foreigner with conceded statute of refugee marries to another foreigner he can acquire statute of refugee only on own grounds.

Art. 9. (amend. – SG 52/07) (1) Humanitarian status shall be provided to a foreigner compelled to leave or remain outside the state because in this state he/she is exposed to a real risk of heavy encroachments, such as:

1. sentence to death or execution;
2. torture or inhuman or humiliating attitude or punishment;
3. heavy and personal threat to his/her life or his/her personality as a civilian due to violence in case of internal or international armed conflict.

(2) Heavy encroachments can arise out of act or omission of a state body or organization, against which the state cannot or is not willing to counteract effectively.

(3) The real danger of heavy encroachments may be based on events, having occurred after the foreigner has left the state of origin, or on activity, carried by him/her after his departure, unless it has been implemented solely for the reason of obtaining by the foreigner protection under this law.

(4) Protection may be implemented, when a state body or organization, controlling the state of a significant part of its territory, undertakes measures against persecution and the foreigner has access to this protection.

(5) Humanitarian status may not be granted, when in a part of the state of origin no

real risk for the foreigner to sustain heavy encroachment is existing, and thus he/she can use an effective protection there without hindrances and on a continuous basis.

(6) Humanitarian status shall be granted also to the spouse of a foreigner having been granted with a humanitarian status, as well as to their minor and under age celibate children, insomuch as this is compatible with their personal status or the circumstances under Art. 12, par. 2 are not available.

(7) Where a foreigner with granted humanitarian status contracts a marriage with another foreigner, he/she shall be entitled to obtaining a humanitarian status only on personal grounds.

(8) Humanitarian status can also be provided for other reasons of humanitarian nature, as well as for reasons stipulated by the conclusions of the Executive Committee of the High Commissioner of the United Nations Organisation for the refugees.

Art. 10. (amend. – SG 52/07) A refugee status shall also be provided to a foreigner staying on the territory of the Republic of Bulgaria, recognised as a refugee by the mandate of the High Commissioner of the United Nations Organisation for the refugees.

Art. 11. (1) (prev. Art. 11 – SG 52/07) Temporary protection shall be provided in case of a mass influx of foreigners compelled to leave their state of origin due to an armed conflict, civil war, foreign aggression, violation of the human rights or violence in large proportion on the territory of the respective state or in an individual region of it, and for these reasons they cannot return there.

(2) (new – SG 52/07) Temporary protection shall be provided for the term, determined by the Decision of the European Union Council.

### Chapter three.

## GROUND FOR REFUSAL, TERMINATION AND REVOKING PROTECTION AND FOR STOPPING AND ABATEMENT OF THE PROCEEDINGS

Art. 12. (prev. Art. 12; amend – SG 52/07) Status of a refugee shall not be granted to a foreigner:

1. for whom enough evidence exists to suppose that he has committed an act which, according to the Bulgarian laws and the international agreements party to which is the Republic of Bulgaria, is determined as a war crime or as a crime against the peace and mankind;

2. for whom there are enough reasons to suppose that he has committed a severe crime of non-political nature outside the territory of the Republic of Bulgaria;

3. for whom serious grounds exist that he is committing or rousing to actions contradicting the goals and the principles of the United Nations Organisation;

4. (suppl. – SG 52/07) who uses the protection or the aid of bodies or organisations of the United Nations Organisation different from the High Commissioner of the United Nations Organisation for the refugees, and this protection or aid have not been suspended and his/her situation has not been determined according to the respective resolution of the United Nation

Organization;

5. (amend. – SG 52/07) regarding whom the competent bodies in the state of his permanent residence have acknowledged the rights and obligations, ensuing from the citizenship of this state.

(2) (new – SG 52/07) Humanitarian status shall not be granted to a foreigner, about whom there are substantial grounds to anticipate that he/she has committed any of the acts under par. 1, item 1 and 3 or a heavy general crime, and also when he/she has committed outside the territory of the Republic of Bulgaria a crime, for which Bulgarian laws provide confinement, and he/she has left the state of origin with the sole purpose to avoid prosecution, unless this prosecution endangers his/her life or it is inhuman or humiliating.

Art. 13. (amend. SG 31/05) (1) (suppl. – SG 52/07) The application of a foreigner for conceding status of a refugee or a humanitarian status shall be rejected as obviously ungrounded when the conditions of Art. 8, par. 1 and 9, respectively under Art. 9, par. 1, 6 and 8 are not present, and the foreigner:

1. refers to grounds beyond the subject of this law;
2. points out no reasons of grounded fear of victimisation;
3. the facts he claims do not contain a detailed description of the circumstances or personal details for clarification of the case;

4. the request is obviously unlikely since the facts claimed by him are inconsistent, contradictory or completely improbable;

5. (new – SG 52/07) has filed a subsequent application, in which there is no reference to any new circumstances of a significant importance with regard to his/her personal situation or concerning his/her state of origin;

6. (prev. item 5 – SG 52/07) he presents himself by a false identity or uses false, forged document or document with untrue contents for which, during the proceedings, he continues to claim that they are genuine;

7. (prev. item 6 – SG 52/07) deliberately, verbally or in writing, he presents untrue, or withholds a substantial information regarding his case;

8. (prev. item 7 – SG 52/07) unscrupulously destroys, damages or disposes with a passport, other document or a ticket related to his assertion in order to present himself with a false identity or to embarrass the considering of the request;

9. (prev. item 5 – SG 52/07; amend. – SG 52.07) has not provided information, allowing to identify with a sufficient confidence his/her identity or citizenship;

10. (revoked; new – SG 52/07) refuses to fulfill his/her obligation to have his/her fingerprints taken;

11. (revoked; new – SG 52/07) has entered the country and resides according to the legal rules and within a reasonable term after the entering fails to state before a competent body that he/she claims protection, except for the cases when the delay is due to reasons outside his/her control;

12. (new – SG 52/07) has entered the country in breach of the legal rules and fails to state immediately before a competent body his/her wish to obtain protection, unless reasons out of his/her control have prevented him/her from doing so.

13. (new – SG 52/07) is coming from a secure state of origin or from a third secure state, included in the minimum general list, adopted by the European Union Council, or in the national lists, adopted by the Council of Ministers;

14. (prev. item 9 – SG 52/07) after having had enough time and possibilities files his application in order to frustrate the execution of the imposed compulsory administrative measure "revoking of the right to stay in the Republic of Bulgaria", "compulsory taking to the border of the Republic of Bulgaria" or "expulsion";

(2) (amend. – SG 52/07) The proceedings for granting a status of a refugee or a humanitarian status shall not be instituted, and the instituted one shall be terminated, provided that the refugee has:

1. been granted a status of a refugee in another European Union Member State;
2. been granted a status of a refugee in safe third country, provided that he/she will be accepted by it;
3. got an open procedure with regard to an application for provision of asylum or granted asylum in the Republic of Bulgaria.

(3) (new – SG 52/07) The circumstance under par. 1, item 13 cannot be a single reason for rejection of the application as obviously groundless.

Art. 14. The proceedings for providing refugee status or humanitarian status shall be stopped when the foreigner, without valid reasons:

1. after a regular invitation does not appear for an interview within a period of 10 work days;
2. changes his address without informing about that the State Agency for the Refugees or the respective registration accepting centre;
3. refuses to co-operate with the officials of the State Agency for the Refugees for clarifying the circumstances related to his request.

Art. 15. (1) (amend. SG 31/05; prev. Art. 15 – SG 52/07) The proceedings for providing refugee status or humanitarian status shall be terminated when the foreigner:

1. (amend. and suppl. – SG 52/07) can no longer refuse the protection of his/her country of origin due to the fact that the circumstances giving rise to the fear of victimisation are no longer existing and the change of these circumstances is essential enough and is not of a temporary nature;
2. (amend. – SG 52/07) voluntarily avails himself/herself of the protection of his/her country of origin;
3. after having once lost his citizenship he has acquired it anew or has received a new citizenship in another country;
4. acquires Bulgarian citizenship;
5. (amend. - SG 52/07) voluntarily settles in the state, in which he/she has been victimised;
6. (amend. – SG 52/07) withdraws his application;
7. (suppl. – SG 52/07) does not appear before the respective official of the State Agency for the Refugees within a period of three months from stopping the proceedings under art. 14 for provision of evidences, that he/she has had objective reasons for changing of the address, or objective hindrances for non-appearing or failing to co-operate with the officials;;
8. dies;
9. (new – SG 31/05) receives asylum by the President.

(2) (new – SG 52/07) Paragraph 1, item 1 shall not apply, provided that the foreigner indicates persuasive reasons, arising out of past persecution, for his/her rejection of enjoying

the protection of his/her country of origin.

Art. 16. (amend. SG 31/05; revoked – SG 52/07)

Art. 17. (amend. SG 31/05; amend. – SG 52/07) (1) Provided status of refugee or humanitarian status shall be terminated when with regard to the foreigner is established the existence of ground under art. 15, items 1 – 4 and item 9.

(2) Provided status of refugee or humanitarian status shall be divested when

1. with regard to the foreigner is established the existence of ground under art. 15, para 1, items 1- 5 and 9;

2. the foreigner states, that he/she does not wish to enjoy anymore the granted to him/her status.

(2) Granted refugee status shall be revoked, when with regard to the foreigner the existence of grounds under Art. 12, par. 1 or Art. 13, par. 1, item 6 and 7 have been identified.

(3) Granted refugee status shall be revoked when with regard to the foreigner the existence of grounds under Art. 12, par. 2 or Art. 13, par. 1, item 6 and 7 have been identified.

(4) Temporary protection shall be revoked of the foreigner when the existence of grounds under Art. 12, par. 1, item 1 – 3 have been identified or about whom there are sound reasons to deem that he/she poses a threat to the national security or to the society.

Art. 18. The President of the Republic of Bulgaria can revoke asylum when he deems that the circumstances for its providing have changed or dropped.

Art. 19. The revoking or the termination of protection or termination of the proceedings regarding a foreigner shall not revoke, terminate or change the status of the other members of his family unless the respective grounds are established for them as well.

## Chapter four. RIGHTS AND OBLIGATIONS OF FOREIGNERS SEEKING OR HAVING RECEIVED PROTECTION

### Section I. General

Art. 20. Not admitted shall be restrictions of the rights or privileges of foreigners seeking or having received protection in the Republic of Bulgaria based on race, nationality, ethnic belonging, sex, origin, religion, education, convictions, political belonging, personal and public status or proprietary status.

Art. 21. (revoked – SG 52/07)

Art. 22. (amend. – SG 52/07) Members of the family of a foreigner having been granted asylum, a refugee status or a humanitarian status, which are in the territory of the Republic of Bulgaria, shall have the same rights and obligations unless this contradicts their personal status or the circumstances under Art. 12 exist.

Art. 23. (1) Foreigners seeking or having received protection shall be entitled to assistance and aid on the part of the High Commissioner of the United Nations Organisation for the refugees and of other governmental or non-governmental organisations at every stage of the proceedings and after the protection is provided.

(2) The state shall provide conditions for obtaining legal defence of foreigners seeking protection in the Republic of Bulgaria.

Art. 24. Every foreigner seeking or having received protection shall have the right to profess religion in compliance with the Constitution and the laws.

Art. 25. (1) (amend. – SG 52/07) Appointed for an unaccompanied minor or underage foreigner, seeking or having received protection, who is on the territory of the Republic of Bulgaria, shall be a guardian, respectively trustee, under the conditions and by the order of the Family Code.

(2) (amend. SG 31/05; revoked – SG 52/07)

(3) (amend. – SG 52/07) The State Agency for the refugees shall exercise control and shall take measures for protection of the minor and under-age foreigners seeking protection against physical or mental violence, cruel, inhuman or humiliating treatment.

(4) (revoked – SG 52/07).

(5) (new – SG 31/05; amend. – SG 52/07) Unaccompanied minor or under age foreigner seeking or having been granted a protection, if he/she has no appointed guardian, respectively trustee, shall be represented in the proceedings by the order of art. 15, para 7 of the Law of protection of the child.

Art. 26. (amend. – SG 52/07) (1) The minor and under age foreigners seeking protection shall be entitled to education and vocational training under the conditions and following the procedure applicable to Bulgarian citizens.

(2) Foreigners, having obtained protection, shall be entitled to vocational training under the conditions and following the procedure applicable to Bulgarian citizens.

Art. 27. (amend. – SG 52/07) The chairman of the State Agency for the refugees can request the court for placing under judicial disability a minor or underage foreigner having filed an application for obtaining a status, due to imbecility or mental disorder cannot take care of himself.

Art. 28. Foreigners, seeking or having received protection, who stay on the territory of the Republic of Bulgaria shall be obliged to observe and fulfil the Constitution and the laws.



## Section II.

### Rights and obligations of foreigners seeking protection during the proceedings

Art. 29. (amend. – SG 52/07) (1) During the proceedings the foreigner shall have the right:

1. to remain in the territory of the Republic of Bulgaria;
2. to shelter and food;
3. to social support pursuant to the procedures and in the amount determined for the Bulgarian citizens;
4. to health insurance, accessible medical care and free medical service under the conditions and pursuant to the procedure applicable to the Bulgarian citizens;
5. psychological help;
6. to obtain registration card;
7. to a translator or interpreter.

(2) The rights under par. 1 can also be enjoyed by foreigners, to whom proceedings under Art. 67q, par. 2, item 1 have been instituted for determination of the state competent to consider the application for granting a status. The rights under par. 1, item 1, 6 and 7 shall be enjoyed also by foreigners, to whom proceedings under Art. 67a, par. 2, item 2 have been instituted for determination of the state, competent to consider the application for granting a status.

(3) The foreigner shall have the right to access to the labour market, provided that the proceedings are not finalized within up to one year after the submission of the application for a status due to reasons out of his/her control.

(4) The foreigner shall be accommodated in a transit, registration-reception center or in another sheltering place by the State Agency for Refugees upon consideration of the health status, family and financial status of the foreigner under the conditions and following a procedure, determined by the Chairman of the State Agency for Refugees. The foreigner shall be subject to medical check up and tests and shall remain isolated until the results become known.

(5) The rights under par. 1, item 2 and 3 shall not be granted to a foreigner, not belonging to a vulnerable group, who:

1. files a subsequent application for granting a status;
2. the proceedings under his/her application for a status have been suspended.

(6) Where the foreigner has got available resources for satisfying his/her basic living requirements, within the proceedings by the general order he/she may obtain a permit to be accommodated at his/her expense at an address at his/her choice without getting a financial and material support from the State Agency of Refugees.

(7) The non-accompanied minor and under-age foreigners shall be accommodated until they come to legal age:

1. with relatives or close ones;
2. with a foster family;
3. in specialized institutions;
4. in other places of accommodation with special conditions for minor and under-age.

Art. 30. (amend. – SG 52/07) During the proceedings the foreigner shall be obliged:

1. to fulfil the orders and not obstruct the officials in fulfilment of their official duties;
2. to submit all of his and of the accompanying minor and underage documents which can serve for establishing their identity and citizenship, as well as the way of their movement and entry in the Republic of Bulgaria;
3. if he does not have the documents under item 2 in order to certify his identity, the date and the place of birth, his family status, as well as those of the accompanying minor and underage children, through a declaration before an official for the correctness of which he shall bear criminal responsibility according to art. 313 of the Penal Code.
4. to observe the regulations for the internal order in the transit, registration reception and integration centres, to participate in the activities for the maintenance, hygiene and their improvement, as well as to preserve the property submitted to him for use;
5. to stay at addresses permitted to him by the State Agency for the refugees;
6. not to enter the border zone of the Republic of Bulgaria without a due permit;
7. not to leave the territory of the Republic of Bulgaria without the permit of the State Agency for the refugees;
8. to assist the clarification of his case by announcing a full and reliable information to the respective officials;
9. (new – SG 52/07) to be taken fingerprints.

Art. 30a. (new – SG 52/07) In case of application of this law, the special situation of foreigners of the vulnerable group such as minor or under-age, pregnant women, elder people, single parents, accompanied by their minor or under-age children, people with disabilities, having been subject to severe forms of mental, physical or sexual abuse, shall be taken into consideration.

### Section III.

#### Rights and obligations of the foreigners having received protection

Art. 31. The foreigners in the Republic of Bulgaria having received asylum or refugee status shall have equal rights and obligations.

Art. 32. (1) (amend. – SG 52/07) A foreigner with a granted status of a refugee shall have the rights and the obligations of Bulgarian citizens with exception of:

1. the right to participate in elections for state and local bodies, in national and local referendums, as well as to participate in the founding of political parties and be their member;
2. to occupy a position for which a law requires a Bulgarian citizenship;
3. to be a military serviceman;
4. other restrictions explicitly stipulated by a law.

(2) (new – SG 52/07) The foreigner shall get informed about his/her rights and obligations, arising out of the granted him/her status, in an understandable for him/her language.

(3) (prev. par. 2 – SG 52/07) A foreigner with a refugee status or humanitarian status can be given financial support for accommodation in a flat for a period of up to 6 months from

the enactment of the decision for providing status, under conditions and by an order determined by the chairman of the State Agency for the refugees, co-ordinated with the Minister of Finance.

(4) (prev. par. 3 – SG 52/07) The foreigner with a refugee status shall have the right to acquire real estates on the territory of the Republic of Bulgaria under the conditions and by the order stipulated for foreigners.

Art. 33. (amend. – SG 52/07) Non-accompanied minor and under-age foreigners, having been granted a refugee status or a humanitarian status until they come to legal age shall be accommodated:

1. with relatives or close ones;
2. . with a foster family;
3. in specialized institutions;
4. in other places of accommodation with special conditions for minor and under-age

(2) The accommodation under par. 1, item 1 – 3 shall be done pursuant to the provisions of the Law for protection of the child.

Art. 34. (1) (amend. SG 31/05; amend. and suppl. – SG 52/07) The foreigner with a granted refugee status or a humanitarian status shall have the right to claim family uniting on the territory of the Republic of Bulgaria.

(2) (amend. SG 31/05; amend. – SG 52/07) The chairman of the State Agency for the refugees shall give permit for uniting the family.

(3) (new – SG 52/07) The chairman of the State Agency for the refugees shall reject a permit:

1. when with regard to any family member the circumstances referred to in Art. 12, par. 1, item 1 – 3 are available;

2. with regard to another spouse – in case of polygamy, when the foreigner has already got a spouse in the Republic of Bulgaria

(4) (new – SG 52/07) The chairman of the State Agency for the refugees shall give permit for uniting of a non-accompanied minor or under-age foreigner having been granted a status with his/her parents or with another adult family member or with a person, being in charge for him/her by law or by customs, where his/her parents have died or are missing.

(5) (new – SG 52/07) When the foreigner cannot present official documents, evidencing the matrimonial state or the relationship, they shall be evidenced by a signed by him/her declaration or in another way.

(6) (new – SG 52/07) A duplicate of the decision shall be handed over to the foreigner pursuant to the provisions of Art. 76.

(7) (prev. par. 3, suppl. – SG 52/07) Visas for the members of the family shall be issued after the permit under para 2 and 4 by the Bulgarian diplomatic or consular representations.

(8) (new – SG 52/07) The State Agency for the refugees shall facilitate uniting separated families, by assisting the foreigners in issuing traveling documents, visas and by providing access to the territory of the country.

(9) (new – SG 52/07) When the location of the family members is unknown, the State Agency for the refugees in cooperation with the United Nations High Commissioner for refugees, the Bulgarian Red Cross and other organizations shall undertake actions for their

tracing.

Art. 35. A foreigner with a refugee status or humanitarian status shall be obliged, within 14 days from the receipt of the permit for providing status, to appear at the municipality of the populated area where he will settle in order to be entered in the register of the population.

Art. 36. A foreigner with a humanitarian status shall have the right and the obligations of a foreigner with a permit for a permanent stay in the Republic of Bulgaria.

Art. 37. The bodies of the local independent government and local administration shall receive on their territory, shall enter in the registers of the population the foreigners with refugee status or humanitarian status and their families and shall provide a possibility of exercising the rights provided by this law.

Art. 38. (amend. and suppl. – SG 52/07) A foreigner with provided asylum or a refugee status or a humanitarian status can acquire Bulgarian citizenship under the conditions and by the order of the Law for the Bulgarian citizenship.

Art. 39. (amend. – SG 52/07) (1) Foreigners enjoying temporary protection shall have the right to:

1. remain in the territory of the Republic of Bulgaria;
2. work and to vocational training;
3. appropriate accommodation or to resources for accommodation, if required;
4. social support;
5. medical care in emergency cases;
6. free return to their state of origin.

(2) To foreigners, enjoying temporary protection, information in an understandable to them language, related to the rules of the temporary protection, shall be provided.

(3) Foreigners of a vulnerable group, enjoying temporary protection, shall be provided with relevant medical and other services under the conditions and following the provisions applicable to Bulgarian citizens.

(4) Non-accompanied minor and under-age foreigners, enjoying temporary protection shall be accommodated:

1. with relatives or close ones;
2. . with a foster family;
3. in specialized institutions;
4. in other places of accommodation with special conditions for minor and under-age

(5) A foreigner enjoying temporary protection who files an application for granting a status, may not enjoy the rights of a foreigner under proceedings for granting a status.

(6) After a transfer of a foreigner to the territory of another European Union Member State, the foreigner shall stop enjoying the rights referred to in par. 1 – 4.

Art. 39a. (new – SG 52/07) (1) A foreigner enjoying temporary protection, shall have

the right to unite with his/her spouse, with their under legal age and non-married children upon their explicit wish thereof.

(2) The Chairman of the State Agency for refugees may permit uniting of a foreigner, enjoying temporary protection, with other close relatives, having lived together as a part of the household during the events and having been dependant on the foreigner in the state of origin. In each individual case further complications which would occur for them, unless they get unites, shall be considered.

(3) When the location of the family members is unknown, the State Agency for Refugees in cooperation with the United Nations High Commissioner for refugees, the Bulgarian Red Cross and other organizations shall undertake actions for their tracing.

(4) In case of uniting, the family members shall have all the rights granted to the foreigners enjoying temporary protection.

(5) In case of uniting of a family in the territory of another European Union Member State, the foreigner shall stop enjoying the rights referred to in Art. 39.

#### Section IV.

#### Documents of foreigners, having filed an application for protection or having been granted protection (title amend. – SG 52/07)

Art. 40. (amend. – SG 52/07) To foreigners seeking or having been granted protection the following types of documents shall be issued:

1. registration card;
2. card of a foreigner having been granted asylum;
3. card of a refugee;
4. card of a foreigner with a humanitarian status;
5. certificate for traveling abroad to a foreigner having been granted asylum;
6. certificate of a refugee for travelling abroad;
7. certificate of a foreigner with a humanitarian status for travelling abroad;
8. certificate for return of a foreigner to the Republic of Bulgaria.
9. a transfer permit.

(2) The registration card shall be issued to a foreigner, having accomplished 14 years, and to a foreigner, who has not accomplished 14 years and who is not accompanied by a family member.

(3) The registration card does not attest foreigner's identity.

Art. 41. (amend. – SG 52/07) (1) The State Agency for the refugees shall issue:

1. a registration card to a foreigner, having applied for asylum – for a period of three months;

2. a registration card to a foreigner, for whom proceedings for determination of the state, competent to consider the application for a status have been instituted – for a period of three months;

3. a registration card to a foreigner for whom summary proceedings have been opened for granting a status – for a period of three months;

4. a registration card to a foreigner, for whom proceedings for granting a status have been opened by the general order – for a period of three months;

5. a registration card to a foreigner, to whom temporary protection has been granted – for the period of protection;

6. a transfer permit to a foreigner, enjoying temporary protection.

(2) Until the conclusion of the respective proceedings the term of validity of the registration card referred to in par. 1, item 1 - 4 can be extended with the initially set period.

(3) When the period of temporary protection is extended, the validity of the registration card of a foreigner, enjoying temporary protection shall be extended respectively.

Art. 42. (1) (amend. and suppl. – SG 52/07) The certificate for travelling abroad of a foreigner, having been granted asylum, or of a refugee entitles its holder to enter and exit the Republic of Bulgaria within the term of its validity under the conditions and by the order for the Bulgarian citizens, inasmuch as the state to which he travels does not stipulate other requirements.

(2) The certificate for travelling abroad of a foreigner with a humanitarian status entitles its holder to enter and exit the Republic of Bulgaria within the term of its validity under the conditions and by the order for permanently staying foreigners in the Republic of Bulgaria.

Art. 43. (revoked – SG 52/07)

Art. 44. (amend. – SG 52/07) The registration card shall contain the following data:

1. foreigner's status according to this law;
2. reference number of the document;
3. unified civil number or a personal number of the foreigner in compliance with the foreigner's status;
4. sex;
5. holder's photograph;
6. holder's signature;
7. date of issue;
8. date of expiry of validity;
9. date of extension of validity;
10. issuing authority;
11. present address;
12. the grounds under this Law, allowing the foreigner to stay in the Republic of Bulgaria;
13. national identity document;
14. other data.

(2) In addition to the data, referred to in par. 1, the registration card shall also contain the stated by the foreigner data:

1. names;
2. date of birth;
3. place of birth;
4. nationality;
5. names and date of birth of his/her minor children, accompanying him/her;
6. languages spoken.

(3) The foreigner's names in the registration card shall be entered in an order and in quantity, as written in the documents for traveling abroad, with which he/she has entered the Republic of Bulgaria, or in any other identity document. When the foreigner does not hold such documents, his/her names shall be written in the order, as they are indicated in the declaration under Art. 30, item 3.

Art. 44a. (new – SG 52/07) A foreigner holding a registration card, shall be obliged to preserve it from damages, annihilation or loss.

Art. 44b. (new – SG 52/07) (1) For issuing the documents under Art. 40, par. 1, item 1 and 9 and for extending the term of validity of documents under Art. 40, par. 1, item 1 no fees shall be collected.

(2) When a foreigner holding a registration card has lost it, damaged it or annihilated it, for the issuance of a new one, he/she shall pay a fee of 10 Levs.

Art. 45. (1) (amend. – SG 52/07) The forms of the registration cards shall be approved by an act of the Council of Ministers and shall be promulgated in the State Gazette.

(2) (new – SG 52/07) The decision for a transfer under Art. 40, par. 1, item 9 shall be issued in the form according to the Attachment.

(3) (prev. par. 2 – SG 52/07) The conditions and the order of issuing and using the identification documents which are not stipulated by this section shall be determined by the Law for the Bulgarian identification documents.

## Chapter five.

### SPECIALISED STATE BODY AND ADMINISTRATION

Art. 46. The chairman of the State Agency for the refugees is a body of the executive authority with a special competence.

Art. 47. (1) The State Agency for the refugees at the Council of Ministers is a corporate body at budget support, with headquarters in Sofia and territorial divisions in the country.

(2) The territorial divisions of the State Agency for the foreigners are:

1. (amend. – SG 52/07) transit centres - for registration, accommodation, medical examination and carrying out proceedings for determination of the state, competent to consider the application of granting a status and of summary proceedings for illegally residing foreigners;

2. (amend. – SG 52/07) registration receiving centres - for registration, accommodation, medical examination, social and medical support and carrying out proceedings for determination of the state, competent to consider the application of granting a status and of proceedings for granting a status the foreigners; for accommodation of foreigners, having applied for granting asylum;

3. integration centres - for providing Bulgarian language education, professional

qualification and other activities necessary for the integration of the foreigners seeking or having received protection in the Republic of Bulgaria.

(3) The transit, the registration receiving centres and the integration centres shall be opened and closed down by the Council of Ministers upon proposal of the chairman of the State Agency for the refugees, in co-ordination with the Minister of Finance, the Minister of Interior, the Minister of Labour and Social Policy, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Regional Development and Public Works and the mayor of the respective municipality.

(4) The activity, the structure, the organisation of work, the personnel of the State Agency for the refugees and its divisions shall be determined by structural regulations adopted by the Council of Ministers.

Art. 48. (1) (amend. – SG 52/07) The chairman of the State Agency for the refugees shall:

1. provide, refuse, revoke and terminate refugee status and humanitarian status in the Republic of Bulgaria, deprive of temporary protection in cases referred to in Art. 17, par. 4;

2. stop and terminate the proceedings for providing status;

3. take decisions on applications for reuniting of families;

4. take decisions on other applications of the foreigners for whom proceedings for providing status have been opened or they have refugee status or humanitarian status in the Republic of Bulgaria;

5. inform the Council of Ministers on the requirement to establish temporary protection in the territory of the Republic of Bulgaria; inform about the requirement of extending the period of temporary protection;

6. issue penal provisions by the order of chapter eight;

7. approve the forms of the documents issued by the State Agency for the refugees with exception of the registration card;

8. extend proposal to the Council of Ministers for approval of the forms of the registration cards;

9. determine decision taking bodies in the State Agency for Refugees, which shall carry out the proceedings pursuant to the provisions of Chapter Six, Section Ia;

10. appoints the interviewing bodies of the State Agency for Refugees who will carry out summary proceedings by the order of chapter six, section II;

11. administer and distribute the resources of the budget, control their expedient spending in coordination with the Minister of Finance and the Minister of Labour and Social Policy determine the spending norms for material and financial support to the foreigners seeking protection or haven been granted a status.

(2) Upon request of the President of the Republic of Bulgaria the chairman of the State Agency for the refugees shall give opinion on a filed request for asylum.

(3) (amend. – SG 52/07) On an annual basis, as well as in case of significant change in the general situation in a particular state of origin and in case of an increase of the flow of foreigners from this state, the Chairman of the State Agency for Refugees shall determine the categories of foreigners, whose cases shall have to be considered in conformity with the following criteria:

1. the nature and the level of observance of human rights in respective states or parts thereof;



- 2.the activity of international organizations in respective states;
3. the policy of other European Union Member States with regard to people seeking protection from the respective states of origin.

Art. 49. (1) The chairman of the State Agency for the refugees shall be determined by a decision of the Council of Ministers and shall be appointed by the Prime Minister.

(2) The chairman of the State Agency for the refugees shall be a Bulgarian citizen who has no other citizenship, shall have higher education and no less than a five-year term of service.

Art. 50. (1) In fulfilment of his activity the chairman of the State Agency for the refugees shall be assisted by two deputy chairmen.

(2) The deputy chairman shall be appointed by the Prime Minister upon proposal of the chairman of the State Agency for the refugees. The deputy chairmen shall be a Bulgarian citizens who has no other citizenship, shall have higher education and no less than a five-year term of service.

Art. 51. (1) (prev. Art. 51 – SG 52/07) The transit, the registration receiving and integration centres shall be headed by directors.

(2) (new – SG 52/07) The Directors of the transit and registration receiving centers shall take decisions under Art. 29, par. 4 – 7.

Art. 52. (amend. – SG 52/07) The chairman of the State Agency for the refugees can delegate his legal capacities under art. 48, para 1, item 1 – 4 and 6 with exception of the legal capacity to revoke status to the deputy chairmen of the State Agency for the refugees.

Art. 53. The State Agency for the refugees shall:

1. (amend. – SG 52/07) organise the acceptance and the temporary accommodation of foreigners having applied for a status or having received protection on the territory of the Republic of Bulgaria and, in co-operation with the Bulgarian Red Cross and other non-governmental organisations, shall provide assistance for adaptation to the Bulgarian conditions; organise courses in Bulgarian language and professional qualification;

2. organise the investigation and the clarification of the facts and circumstances in connection to the filed request for asylum upon request of the President of the Republic of Bulgaria;

3. issue certifying documents;

4. (amend. – SG 52/07) in co-operation with the central bodies of the executive authority, the Bulgarian Red Cross and other non-governmental organisations organise the activities related to the provision of social, medical and psychological care for the foreigners having applied for a status or having received protection; assist the integration of the foreigners having received protection;

5. (amend. – SG 52/07) in co-operation with the bodies of the local independent government and local administration, the Bulgarian Red Cross and other non-governmental organisations organise and carry out outreach on the refugee problems and organise charity

events for material support;

6. (amend. – SG 52/07) work out independently or participate in the preparation of draft normative acts and international agreements related to the protection of foreigners and work out programmes for integration of the foreigners having received protection in the Bulgarian society;

7. (amend. – SG 52/07) carry out the functions assigned by the plan for activity for temporary protection;

8. assist the High Commissioner of the United National Organisation for the refugees in fulfilment of his functions, facilitate the control of the implementation of the provisions of the Convention for the refugee status of 1951 and the Statement on the refugee status of 1967 and submit information and statistical data;

9. (revoked – SG 52/07);

10. assign studies and research on the refugee issues, organise conferences and seminars and issue informational materials on the refugee issues;

11. (new – SG 52/07) organize selection and registration of interpreters, and also their training in terms of specific requirements to carrying out translations;

12. (new – SG 52/07) be the competent institution for the resources of the European Refugee Fund, by producing programs and agreeing them upon with the European Commission, organize tender procedures, selection of projects, carry out payments, provide technical implementation, financial control, supervision and assessment of the resources, financed by the fund; whereas part of these powers can be delegated to other state bodies;

13. (new – SG 52/07) on a regular basis provide to the European Commission information about the number of persons having filed applications for a status and about the issued registration cards.

Art. 54. (1) The State Agency for the refugees, jointly with the Ministry of Foreign Affairs, International Federation of the associations of the red Cross and the Red Crescent, the International Committee of the Red Cross, and non-governmental organisations shall provide assistance to foreigners seeking or having received protection before the bodies of another country or before an international body for providing documents necessary for the realisation of their rights.

(2) When, for objective reasons, a foreigner seeking or having received protection cannot be supplied with a document by the order of para 1 the State Agency for the refugees, on the grounds of data established by it and a declaration signed by the foreigner, shall organise the issuance of a certificate. On its basis the competent bodies shall issue a Bulgarian document which enables him to exercise these rights.

(3) The documents issued by the order of para 2 shall substitute the official documents issued to foreigners by or through the bodies in their countries.

(4) The foreign documents for education, qualification, scientific degree or rank possessed by the foreigners seeking or having received protection shall be recognised according to the home legislation and the conditions of international agreements party to which is the Republic of Bulgaria.

Art. 55. Received donations, aid, as well as the resources under international programmes and agreements shall be received in a non-budget account of the State Agency for the refugees by the order of art. 45, para 2 of the Law for the structure of the state budget and

shall be used for the purposes for which they have been granted.

Art. 56. (1) The State Agency for the refugees, independently or jointly with the bodies of the local independent government and local administration, the Bulgarian Red Cross and other non-governmental organisations, can organise auxiliary labour activities through which the foreigners seeking or having received protection will be given a possibility of education with professional purposes and for a possibility to work.

(2) The activities under para 1 shall be financed by expedient resources of the non-budget account or by the state budget.

Art. 57. The officials of the State Agency for the refugees shall certify their official status by an official card. The bodies of the state government and of the local independent government and local administration shall be obliged to render assistance to the officials of the State Agency for the refugees in fulfilment of their official duties.

## Chapter six. PROCEEDINGS

### Section I. General

Art. 58. (1) A foreigner who requests asylum shall file a written application to the President of the Republic of Bulgaria. If the application is filed with another state body he shall be obliged to send it immediately to the President.

(2) (revoked – SG 52/07).

(3) (amend. – SG 52/07) A foreigner can declare his wish for granting a status in person before an official of the State Agency for the refugees.

(4) (amend. – SG 52/07) If the request under para 3 is made before another state body he shall be obliged to send it to the State Agency for the refugees.

(5) (amend. – SG 52/07) A foreigner, enjoying temporary protection, shall have the right to file an application for granting a refugee status or a humanitarian status.

(6) (amend. and suppl. – SG 52/07) The applicant within 15 days after filing the application, shall be instructed in an understandable language regarding the order of filing the application, about the procedure to be followed and about his rights and obligations, as well as about organizations, providing legal and social support to foreigners.

(7) (revoked – SG 52/07).

Art. 59. (1) (amend. – SG 52/07) The application for granting a status can be verbal, written or in other form whereas, in case of necessity, a translator or interpreter shall be provided. The application which is not written shall be recorder by the respective official and shall be signed or certified in another way by the applicant and by the translator, respectively the interpreter.

(2) (amend. – SG 52/07) The application shall contain a request to the Republic of

Bulgaria.

Art. 60. (1) (amend. – SG 52/07) The identification documents of the foreigner having applied for granting a status shall be taken and kept in the State Agency for the refugees until the conclusion of the proceedings by an enacted decision.

(2) (amend. – SG 52/07) Officials of the State Agency for the refugees shall search the foreigner, shall inspect the belongings carried by him, shall photograph him and take fingerprints and other identifying signs under the conditions and by the order determined by the Law for the Ministry of Interior and subject to respecting the dignity of the foreigner.

(3) (amend. – SG 52/07) The officials carrying out the activities under para 2 shall be appointed by an order of the chairman of the State Agency for the refugees.

(4) (new – SG 52/07) Fingerprints and other identification signs, as well as foreigner's personal data may be used in case of information exchange with other states for the purposes of the proceedings under Section Ia, having the foreigner informed thereof.

Art. 61. (amend. – SG 52/07) (1) The application for granting asylum shall be registered in the administration of the President.

(2) A foreigner, having filed an application for granting a status shall be registered in the State Agency for the refugees and a personal file shall be opened for him/her.

(3) Where there are grounded reservations that the foreigner is not minor or under age, the interviewing body shall assign an expertise for determination of his/her age.

(4) Where there are grounded reservations that the foreigner is not able to take care of his/her matters due to imbecility or mental disorder the interviewing body shall assign psychiatric examination.

Art. 62. The President of the Republic of Bulgaria can also provide asylum if the requirements of art. 48, para 2 and art. 53, item 2 have not been met.

Art. 63. (amend. – SG 52/07) (1) The State Agency for the refugees shall have the right to collect data about the foreigners having filed an application for a status in terms of determination of the state, competent to consider the application, establishing the identity and clarification of the circumstances related to the filed application.

(2) For the registration the State Agency for Refugees shall make record of the names, nationality, date and place of birth, sex, marital status and kinship, identity documents and other documents of the foreigner.

(3) Source of the data under para 1 can be both the foreigners themselves and Bulgarian and foreign bodies, natural persons or corporate bodies.

(4) Not admitted shall be the information about the foreigners seeking or having been granted protection, to be collected by and to be provided to bodies and organizations, carrying out persecution.

(5) The State Agency for the refugees shall create its own informational funds by an order determined by its chairman, in compliance with the Law for protection of the personal data.

Art. 63a. (new – SG 52/07). (1) Upon registration a date for holding an interview shall be set. The foreigner, having filed an application for a status, shall be notified in due time about the date of each subsequent interview.

(2) The foreigner shall be obliged to present his/her evidences prior to pronouncing on his/her application, whereas provided that he/she fails to present such, the pronouncing shall take place without those evidences.

(3) An interview of the foreigner shall be held, and a respective record shall be kept. If required, for the purposes of the respective proceedings the interviewing body shall hold additional interviews.

(4) A foreigner, having filed an application for a status, upon a declared by him/her wish shall be interviewed by the interviewing body or a translator, respectively by an interpreter of the same sex.

(5) Interview shall not be held of a foreigner who is not able to take care of his matters due to imbecility or mental disorder, or who due to any other objective reasons cannot give verbal or written statements.

(6) The interview shall be held in a stated by the foreigner language. Where this is not possible, the interview shall be held in a language, which it can be deemed, that the foreigner speaks.

(7) The records shall be read up to the foreigner and shall be signed by him/her, by the translator, respectively by the interpreter, and by the interviewing body.

(8) Refusal by the foreigner to sign the records of the interview shall be certified by signatures of two witnesses. The reasons for the refusal shall be stated in the records.

(9) During the interview the representative of a non-accompanying minor or under age foreigner shall have the right to ask questions, permitted by the interviewing body, and to present comments.

Art. 64. The state bodies shall be obliged to submit the information requested by the State Agency for the refugees necessary for the clarification of the circumstances related to the filed application.

Art. 65. (amend. – SG 52/07) The personal data of the foreigner, having become known during the proceedings for providing status or after the granting of the status shall be processed in the register of the State Agency for the refugees in compliance with the requirements of the Law for protection of personal data. They may be used also for international cooperation purposes by the states - parties to the Convention for the refugee status of 1951.

Art. 66. (1) The provisions of the Law for the foreigners in the Republic of Bulgaria shall apply regarding a foreigner for whom a decision for refusal, termination or revoking of a status has been enacted, or regarding whom the proceedings have been terminated.

(2) (amend. – SG 52/07) The State Agency for the refugees shall inform in writing the Ministry of Interior about the decision under para 1.

Art. 67. (1) (amend. – SG 52/07) The compulsory administrative measures "withdrawal of the right of stay", "compulsory taking to the border", "expulsion" and

"prohibition of entry in the country" shall not be fulfilled until finalization of the proceedings with enactment of a decision.

(2) (amend. – SG 52/07) The compulsory administrative measures under para 1 shall be revoked if the foreigner has been granted asylum, refugee status or a humanitarian status.

(3) Para 1 and 2 shall not apply if there are grounds to suppose that the foreigner seeking or having received protection poses a danger for the national security or who, once convicted by an enacted sentence for a severe crime, poses a danger for the society.

## Section I.

### “A” Proceedings for determination of the state, competent to consider the application for granting a status. Transfer (new – SG 52/07)

Art. 67a. (new – SG 52/07) (1) The proceedings under this section shall be carried out in compliance with Regulation (EC) No. 343/2003 of the Council, Regulation (EC) No. 1560/2003 of the Commission, Regulation (EC) No. 2725/2000 of the Council and Regulation (EC) No. 407/2002 of the Council.

(2) The proceedings under this section shall be instituted:

1. upon registration of a foreigner, having filed an application for granting a status;
2. upon giving notice to the Ministry of Interior about illegally residing on the territory of the Republic of Bulgaria foreigner;
3. upon request for undertaking responsibility or back acceptance of a foreigner.

(3) Proceedings under this section shall not be instituted and shall not be carried out in case of a subsequent application for granting a status on the territory of the Republic of Bulgaria.

Art. 67b. (new – SG 52/07) (1) Following the institution of proceedings, relevant actions shall be undertaken for verification of evidences and of circumstances for determination of the state, competent to consider the application for granting a status.

(2) When relevant, an interview shall be held with the foreigner.

Art. 67c. (new – SG 52/07) In cases under Art. 67a, par. 2, item 1 after accomplishment of verification of evidences and receiving a reply from the inquired state, the decision taking body shall:

1. institute proceedings for granting a status in the Republic of Bulgaria;
2. refuse to institute proceedings for granting a status in the Republic of Bulgaria and shall permit foreigner's transfer to the competent state.

Art. 67d. (new – SG 52/07) In cases under Art. 67a, par. 2, item 2 upon accomplishment of verification of evidences and receiving a reply from the inquired state, the decision taking body shall:

1. permit foreigner's transfer to the competent state;
2. terminate the proceedings, when the inquired state refuses to undertake responsibility or to accept the foreigner back.

Art. 67e. (new – SG 52/07) (1) The decision taking body shall pronounce on requests for undertaking responsibility or back acceptance.

(2) Where in cases under Art. 67a, par. 2, item 3 it is determined, that the Republic of Bulgaria is the competent state to consider the application, the decision taking body shall institute proceedings for granting a status in the Republic of Bulgaria and the provisions of Sections II, III and IV of this Chapter shall apply.

(3) Where a request for back acceptance has been received of a foreigner, whose application has already been considered on the merits in the Republic of Bulgaria, the decision taking body shall terminate the proceedings under this section.

(4) Where in cases under Art. 67a, par. 2, item 3 it is determined, that that the Republic of Bulgaria is not the competent state to consider the application, the decision taking body shall reject foreigner's transfer and shall terminate the proceedings under this section.

Art. 67f. (new - SG 52/07) The decision under this section shall be served upon pursuant to Art. 76 and copies thereof shall be forwarded to the Ministry of Interior.

Art. 67g. (new – SG 52/07) (1) The State Agency for Refugees shall agree upon with the respective body of the state, competent to consider the application, the place, the date and the time of foreigner's arrival to its territory, and in case of silent acceptance – also the procedure of delivery of the foreigner to the competent bodies.

(2) The delivery of the foreigner shall be done in implementation of the decision of the State Agency for Foreigners, whereas all his/her documents shall be sent to the state, competent to consider the application.

(3) Where the delivery has not taken place, the State Agency for Refugees shall agree upon with the respective body of the state, competent to consider the application, a new delivery date.

Art. 67h. (new – SG 52/07) (1) The Ministry of Interior shall provide administrative assistance with regard to acceptance of a foreigner in the Republic of Bulgaria when it is determined as a competent state to consider the application, and shall carry out actions related to foreigner's acceptance and its delivery to the State Agency for Refugees along with all accompanying documents.

(2) The Ministry of Interior shall provide administrative assistance with regard to foreigner's transfer and delivery in the state, which is determined as competent to consider the application, along with all accompanying documents.

Art. 67i. (new – SG 52/07) The expenses related to foreigner's transfer to the place of arrival in the state, competent to consider the application and to transportation from the place of arrival in the Republic of Bulgaria to the State Agency for Foreigners shall be covered by the Republic of Bulgaria.

Art. 67j. (new – SG 52/07) The Council of Ministers shall adopt an Ordinance for the responsibility and coordination of state bodies, carrying out actions related to this section application.

## Section II. Summary Proceedings

Art. 68. (amend. – SG 52/07) (1) The summary proceedings shall be instituted:

1. upon enforcement of the decision, under which proceedings for granting a status in the Republic of Bulgaria are instituted;

2. when no decision is taken within the terms according to Regulation (EC) No. 343/2004 of the Council and Regulation (EC) No. 1560/2003 of the Commission;

3. upon registration of a foreigner, having filed a subsequent application for a status.

(2) When the Republic of Bulgaria is determined to be competent or has accepted back a foreigner according to Regulation (EC) No. 343/2003 of the Council and Regulation (EC) No. 1560/2003 of the Commission, the proceedings for granting a status shall be instituted upon the registration of the foreigner with the State Agency for Refugees after his/her delivery.

(3) Summary proceedings shall not be instituted when the proceedings for determination of the state competent to consider the application for granting a status is being closed with a decision for their termination.

Art. 69. (revoked – SG 52/07).

Art. 70. (amend. – SG 52/07) (1) Within three days from the institution of the proceedings the interviewing body shall take a decision for:

1. rejection of the application as obviously ungrounded under art. 13, par. 1;

2. termination of the proceedings under art. 13, item 2 or Art. 15, par. 1, item 6, 8 and 9;

3. institution of proceedings by the general order.

(2) If, within the period under para 1, a decision is not taken, proceedings by the general order shall be initiated.

(3) In cases under Art. 68, par. 2 the three-day term shall start elapsing from the time of receipt of documents accompanying the foreigner.

(4) The term under par. 1 shall stop elapsing until the receipt of the expert conclusion under Art. 61, par. 3 or 4.

(5) The lack of sufficient information due to non-holding an interview under Art. 63a, par. 5 cannot be an individual ground for rejecting the application.

(6) The decision under this section shall be served pursuant to the provisions of Art. 76.

Art. 71. (1) (prev. art. 71 – SG 31/05; amend. – SG 52/07) The summary proceedings shall not apply regarding a non-accompanied minor or underage foreigner having filed an application for a status.

(2) (new – SG 31/05; amend. – SG 52/07) Summary proceedings shall not apply when the application for granting status has been filed by a foreigner enjoying temporary protection.



### Section III. Proceedings by the general order

Art. 72. (amend. - SG 52/07) (1) The proceedings by the general order shall be instituted:

1. after entering into force of the decision under Art. 70, par. 1, item 3;
2. in cases under Art. 70, par. 2;
3. with regard to a foreigner, having filed an application for a status under an effective temporary protection – upon registration of the foreigner after termination or withdrawal of the temporary protection.

(2) With regard to unaccompanied minor or under age foreigner the proceedings by the general order shall be instituted:

1. after entering into force of the decision, by which proceedings for granting a status in the Republic of Bulgaria are instituted;
2. when no decision is taken within the set terms;
3. upon his/her registration when he/she files a subsequent application for a status;
4. when the Republic of Bulgaria is the competent state to consider the application – upon registration of the foreigner with the State Agency for Foreigners after his/her delivery;
5. when the application for a status has been file under an effective temporary protection – upon registration of the foreigner after termination or withdrawal of the temporary protection.

Art. 73. (amend. SG 31/05) Applications for granting a status shall be considered by the State Agency for Foreigners, whereas a consideration for granting a status of a refugee shall be carried out in the first place. Provided that a refugee status is not granted, the necessity of granting a humanitarian status shall be considered.

Art. 74. (amend. – SG 52/07) Within two months from the institution of the proceedings by the general order the interviewing body shall work out a statement which, together with the personal file, shall be presented to the chairman of State Agency for the refugees for decision.

Art. 75. (1) (amend. – SG 52/07) Within three months for institution of proceedings by the general order the Chairman of State Agency for the Refugees shall take a decision by which:

1. he provides a refugee status;
2. refuses a refugee status;
3. provides a humanitarian status;
4. refuses a humanitarian status.

(2) (amend. – SG 52/07) For pronouncement on the application for a status all relevant facts shall be assessed, related to applicant's personal situation, to his/her state of origin or to third states. Where applicant's statements are not supported by evidences, they shall be deemed valid, if he/she has made efforts to substantiate the application and has provided satisfactory explanation about the lack of evidences. The lack of enough data for

persecution, including due to non-holding an interview pursuant to Art. 63a, par. 5, cannot be a reason for refusal of providing status.

(3) (amend. – SG 52/07) The Chairman of the State Agency for the refugees, in case of insufficiency of the gathered data for the concrete case can extend the period under par. 1 up to three months, whereas the foreigner shall be advised personally or by an acknowledged receipt notification.

(4) (revoked – SG 52/07).

(5) (revoked – SG 52/07).

Art. 76. (1) Copy of the decision of the chairman of the State Agency for the refugees shall be presented to the foreigner seeking protection. The contents of the decision, as well as the right and obligations ensuing from it shall be announced to him in a language he can understand.

(2) The presentation shall be certified by the signatures of the foreigner seeking protection and of the translator, respectively interpreter. The refusal to sign the decision shall be certified by the signatures of two witnesses.

(3) If the decision is not presented personally within 14 days from its issuance an announcement shall be sent to the foreigner by return mail.

(4) For failure to appear within 7 days from the receipt of the notification by return mail the decision shall be considered presented.

(5) If the notification by return mail is returned to the State Agency for the refugees due to impossibility of delivery the decision shall be considered presented.

(6) (new – SG 52/07) After having been served the decision, the foreigner shall have the right to study his/her personal file.

## Section VI.

### Suspending and termination of the proceedings for granted status.

#### Proceedings for revoking and termination of granted status (title amend. – SG 52/07)

Art. 77. (1) Upon proposal of the respective interviewing body the chairman of the State Agency for the refugees shall stop the proceedings for providing status pursuant to art. 14.

(2) (suppl. – SG 52/07) The stopped proceedings shall be reopened when the foreigner seeking protection presents proof that he has had objective reasons for changing of the address or objective obstructions for non-appearing or non-cooperation with the officials.

(3) (new – SG 52/07) Upon a proposal of the interviewing body, where the conditions, provided in this law are available, or upon an application of a foreigner, the Chairman of the State Agency for Foreigners shall terminate the proceedings for granting a status.

Art. 78. (amend. – SG 52/07) (1) The interviewing body shall make a proposal for revoking or termination of the granted status in case of available new information.

(2) The proceedings for revoking or termination of a status shall be instituted by a

decision of the Chairman of the State Agency for Refugees.

(3) The foreigner shall be advised by an acknowledged receipt letter about the institution of proceedings, reasons thereof and the date and place of holding an interview, during which he/she shall present his/her objections against revoking or termination of the status.

(4) In carrying out the proceedings for revoking or termination of a status the provisions of Art. 63, 63a, 74 and Art. 75, par. 3 shall apply, respectively.

(5) Within three months from the institution of proceedings the Chairman of the State Agency for Refugees shall take a decision for revoking or termination of the status. The Chairman of the State Agency for Refugees shall take the decision even without foreigner's objections, when they have not been made due to reasons under his/her control.

(6) When no reasons for revoking or termination of the status have been found, the Chairman of the State Agency for Refugees shall terminate the proceedings.

Art. 79. (amend. – SG 52/07) (1) Proceedings for revoking or termination of a status can be instituted also on the grounds of foreigner's application with granted status.

(2) For filing an application the provisions of Art. 59, par. 1 shall apply.

(3) The application shall contain:

1. foreigner's names, address and unified civil number;
2. reasons for filing an application;
3. what is the substance of the request;
4. foreigner's signature.

(4) Within one month from filing of the application the Chairman of the State Agency for Refugees shall take a decision by which the status is terminated.

Art. 79a. (new – SG 52/07) The decisions under this section shall be served pursuant to Art. 76, with exception of the decision for suspending the proceedings.

## Section V.

### Rules for temporary protection

Art. 80. (amend. – SG 52/07) (1) The Council of Ministers shall:

1. address a request to the European Commission for introduction of a temporary protection;

2. inform the European Commission about the capacities of the Republic of Bulgaria to accept foreigners, requiring temporary protection;

3. determine a national contact point and shall advise the other European Union Member States and the European Commission;

4. adopt an action plan in case of temporary protection in the Republic of Bulgaria;

5. make a request to the European Commission for termination of the temporary protection or for extension or its term;

6. undertake measures for facilitation of voluntary return of foreigners enjoying temporary protection or with regard to whom temporary protection has been terminated.

(2) The action plan in case of temporary protection shall include:

1. the organization and functions of a temporary operative body for plan implementation;
2. financing method;
3. the conditions and the procedure or provision of food and shelter;

Art. 81. (amend. – SG 52/07) (1) The temporary operative body shall exchange information with the European Union Member States and with the European Union bodies, as well as with the High Commissioner of the United Nations Organization for Refugees, with regard to the national legislation and other regulations on application of temporary protection, the number of foreigners enjoying temporary protection, capacities for additional reception and information about individual foreigners in case of uniting families and transfer of foreigners, enjoying temporary protection.

(2) The temporary operative body shall carry out cooperation with international and Bulgarian organizations on issues, related to temporary protection.

Art. 82. (amend. – SG 52/07) (1) The temporary protection shall be terminated:

1. with the expiration of the term for which it has been granted;
2. by a decision of the European Union Council.

(2) The Chairman of the State Agency for Refugees shall revoke temporary protection of a foreigner in cases of Art. 17, par. 4. For revoking the provisions of Art. 78 shall apply and the decision shall be served pursuant to Art. 76.

(3) After termination or revoking of temporary protection, with regard to the foreigner, unless he/she has filed an application for granting a status, the provisions of the Law for the Foreigners in the Republic of Bulgaria shall apply.

Art. 83. (amend. – SG 52/07) (1) The Republic of Bulgaria shall receive back in its territory foreigners registered in the country as enjoying temporary protection illegally residing or trying to enter the territory of another European Union Member State.

(2) The Republic of Bulgaria shall receive back in its territory foreigners registered in the country as enjoying temporary protection who have returned to their state of origin.

## Chapter seven. JUDICIARY CONTROL

(Title “Section I. Appeal of the decisions of the summary proceedings” deleted – SG 52/07)

Art. 84. (amend. - SG 52/07) (1) The decisions under Chapter Six, Section Ia can be appealed within 7 days from their presentation before the Administrative court of Sofia city, through the body, having issued the decision. The complaint shall not suspend the enforcement of the decision, unless otherwise ruled by the court.

(2) The decision under Art. 51, par. 2 and Art. 70, par. 1, item 1 and 2 may be appealed within 7 days after their serving before the administrative court by present address indicated in the foreigner’s registration card. The complaint shall be filed through the body, having issued the decision.

(3) A complaint filed after the set term shall be submitted back to the applicant against a receipt. When the submission back is being done by an acknowledged receipt letter and the letter is being returned to the State Agency for Refugees due to impossibility to be served, the complaint shall be attached to the foreigner's personal file.

(4) The complaint and a certified copy of the foreigner's personal file shall be forwarded to the court immediately. The appeal shall suspend the enforcement of the decision under Art. 70, par. 1, item 1 and 2.

(5) The court shall constitute the case within three days from the receipt of the complaint.

Art. 85. (1) (amend. - SG 30/06, in force from 01.03.2007) The administrative court shall consider the complaint in an open session with subpoenaed parties and shall rule within one month from the constitution of the case. In these cases the parties must be subpoenaed not later than three days before the session.

(2) (amend. and suppl. – SH 52/07) If the court revokes the appealed decision under art. 70, para 1, item 1 and 2, and returns the case with obligatory instructions for a new decision the interviewing body of the summary proceedings shall be obliged to take a new decision within three days from the receipt of the court decision.

(3) If the court confirms the appealed decision it shall be fulfilled.

(4) (amend. - SG 30/06, in force from 01.03.2007) The decision of the administrative court shall not be subject to cassation appeal.

Art. 86. (amend. - SG 30/06, in force from 12.07.2006; revoked – SG 52/07).

(Title "Section II. Appeal during the general proceedings" – deleted, SG 52/07)

Art. 87. (amend. – SG 52/07) The decisions under art. 34, par. 3, Art. 39a, par. 2, Art. 75, para 1, item 2 and 4, Art. 78, par. 5 and Art. 82, para 2 may be appealed before the Supreme Administrative Court within 14 days from their presentation.

Art. 88. (1) (prev. Art. 88 – SG 52/07) The complaint shall be filed through the chairman of the State Agency for the refugees. The filed complaint shall stop the fulfilment of the decision.

(2) (new – SG 52/07) A complaint filed after the set term shall be submitted back to the applicant against a receipt. When the submission back is being done by an acknowledged receipt letter and the letter is being returned to the State Agency for Refugees due to impossibility to be served, the complaint shall be attached to the foreigner's personal file.

Art. 89. Within 3 days from the receipt of the complaint the chairman of the State Agency for the refugees shall send the complaint and the personal file to the Supreme Administrative Court.

Art. 90. (1) The Supreme Administrative Court shall consider the complaint within one month in an open session with subpoenaed parties.

(2) If the Supreme Administrative Court revokes the appealed decision and returns

the personal file with obligatory instructions for a new decision the chairman of the State Agency for the refugees shall be obliged to take a new decision within 14 days.

(3) The decision of the court shall not be subject to a cassation appeal.

Art. 91. (amend. - SG 30/06, in force from 12.07.2006; amend. – SG 52/07) In the cases not settled by this Chapter shall apply the provisions of the Administrative procedure code and the Civil Procedure Code.

Art. 92. (suppl. – SG 52/07) The proceedings by the order of this chapter shall be exempt from state fees and payment of other expenses, except for the cost of expert examinations. The cost of expert examinations shall not be paid, provided that the foreigner does not have available funds to cover his/her basic living requirements.

## Chapter eight. ADMINISTRATIVE PENAL RESPONSIBILITY

Art. 93. (amend. – SG 52/07) A foreigner, having damaged or destroyed a belonging, submitted to him/her for usage by the State Agency for Refugees, shall be penalized with a fine from 50 to 200 Levs with covering the value of the belonging.

Art. 94. (revoked – SG 52/07)

Art. 95. (1) (amend. – SG 52/07) The offences under this law shall be established by acts issued by officials of the State Agency for the refugees appointed by an order of its chairman.

(2) On the grounds of the issued acts the chairman of the State Agency for the refugees, a deputy chairman explicitly authorised by him, or a director of a territorial division shall issue penal provisions.

(3) The issuance of the acts for establishing the offences, the issuance, the appeal and the fulfilment of the penal provisions shall be carried out according to the provisions of the Law for the administrative offences and penalties.

## Chapter nine. LISTS OF SAFE COUNTRIES (new – SG 52/07)

Art. 96 (new – SG 52/07) The Republic of Bulgaria shall deem as safe countries of origin and safe third countries the countries, included in the minimum general list, adopted by the European Union Council.

Art. 97 (new – SG 52/07) The Council of Ministers shall make a proposal to the European Commission for amendments to the minimum general list of safe countries of origin and of safe third countries.

Art. 98 (new – SG 52/07) (1) The Chairman of the State Agency for Refugees, in coordination with the Minister of Foreign Affairs, annually by 30 November shall submit for approval by the Council of Ministers national lists of safe countries of origin and of safe third countries.

(2) For adoption of the lists the Council of Ministers, referring to information sources from the European Union Member States, High Commissioner of the United Nation Organization for Refugees, Council of Europe or other international organizations, shall assess the level, to which the state offers protection against persecution, on the grounds of:

1. adopted acts related to this field and the way they are applied;
2. the way rights and freedoms are obeyed, as provided in the Convention on protection of human rights and fundamental freedoms, in the International Covenant on Civil and Political Rights or the Convention against torture and other cruel, inhuman or degrading treatment or punishment;
3. the way of obeying the prohibition of expulsion or return pursuant to the provisions of the Convention relating to the status of refugees of 1951;
4. availability of a system of effective sanctions against violations of these rights and freedoms.

(3) The Council of Ministers shall advise the European Commission about the states, included in the national lists of safe countries of origin and safe third countries.

Art. 99 (new – SG 52/07) A foreigner having filed an application for a status may contest the presumption of safety of a country, included in the list under Art. 96 or 98.

Additional provisions

§ 1. (amend. – SG 52/07) In the context of this law:

1. "Foreigner" is a person, who is not a Bulgarian citizen or who is not a citizen of another European Union Member State, of a state – party to the Agreement on the European Economic Area or of the Confederation of Switzerland, as well as a person, who is not considered as a citizen of any state in compliance with its legislation.

2. "Foreigner seeking support" is the one who has expressed his wish to receive special protection according to this law until the conclusion of the consideration of the application

3. "Members of the family" are:

a) the spouse or the person, with whom he/she is in a proven stable and long-term relationship and their underage and non-married children;

b) children of legal age who are not married who are not able to support themselves on their own due to serious health reasons;

c) the parents of each of the spouses who are not in position to take care of themselves because of old age or serious disease and it is imperative to live with their children in one household.

4. "Unaccompanied" is that minor or underage foreigner staying on the territory of the Republic of Bulgaria and not accompanied by his parent or other adult, responsible for him/her by virtue of a law or a custom.

5. "Race, religion, nationality, particular social group or political opinion or belief" are terms pursuant to the Convention on the status of refugees of 1951 and to Art. 10, par. 1 of the Directive 2004/83/EC of the Council on minimum standards for the qualification and

status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

6. "Subsequent application" is an application for granting a status in the Republic of Bulgaria, filed by the foreigner after having got a terminated or withdrawn refugee status or a humanitarian status or the proceedings for granting a status in the Republic of Bulgaria has been closed with an enforced decision.

7. "Country of origin" is the country of nationality or for stateless persons of former habitual residence.

8. "Safe country of origin" is a country where the established legal system and its observance within a democratic social system do not allow implementation of persecution or prosecution actions and there is no threat of torture in situations of international or internal armed conflict.

9. "Third safe country" is a country different from the country of origin, where the foreigner, having filed an application for a status, has resided and:

a) there are no reasons to fear for his/her life or the freedom due to race, religion, nationality, membership of a particular social group or political opinion or belief;

b) is protected from refoulement to the territory of a state, where conditions for persecution and threatening his/her rights exist;

c) is not threatened and he is not exposed to danger of persecution, torture or inhuman or degrading treatment or punishment;

d) there is a possibility to claim a refugee status and upon granting it to enjoy a protection as a refugee;

e) there are sufficient grounds to deem that he/she will be let onto the territory of this state.

§ 1a. (new – SG 52/07) This law introduces the provisions of Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; Directive 2003/9/EC of the Council laying down minimum standards for the reception of asylum seekers; Chapter Five of Directive 2003/86/EC of the Council on the right to family reunification, Directive 2004/83/EC of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted and Directive 2005/85/EC of the Council on minimum standards on procedures in Member States for granting and withdrawal refugee status.

## Transitional and concluding provisions

§ 2. This law shall enter into force six months after its promulgation in the State Gazette and revokes the Law for the refugees (prom., SG 53/99; corr., SG 97/99; amend., SG 45/02).

§ 3. The State Agency for the refugees at the Council of Ministers is a legal successor of the Agency for the refugees at the Council of Ministers.



§ 4. The proceedings started before the enactment of this law shall be carried out by the previous order.

§ 5. (amend. – SG 52/07) Until the opening of transit centres the proceedings according to Chapter Six, sections Ia and II shall be carried out in registration-reception centers or in places determined by the chairman of State Agency for the refugees.

§ 6. The following amendments and supplements are introduced to the Law for the Bulgarian identification documents (prom., SG 93/98; amend., SG 53, 67, 70 and 113 of 1999; SG 108/00, SG 42/01, SG 45/02):

1. In art. 1, para 2 the conjunction "and" is replaced by a comma and after it the words "the Ministry of Transport" is added "and communications and the State Agency for the refugees at the Council of Ministers".

2. Para 3 is created in art. 8:

"(3) When the application under para 2 regards the identification document of a foreigner seeking or having received protection according to the Law for the asylum and the refugees the respective office of the Ministry of Interior shall inform immediately the State Agency for the refugees or its closest territorial division."

3. In art. 9, para 2 the conjunction "and" is replaced by a comma and after the words "the card of a refugee" is added "and the card of a foreigner with humanitarian status".

4. In art. 14:

a) item 4 is amended as follows:

"4. temporary certificate of a refugee and temporary certificate of a refugee under summary proceedings;"

b) item 10, 11 and 12 are created:

"10. card of a foreigner with humanitarian status;

11. certificate of a foreigner under temporary protection;

12. certificate for travelling abroad of a foreigner with humanitarian status."

5. Second sentence is created in art. 21, para 1: "When the foreigners seeking or having received protection do not possess such documents their names shall be written by the order they indicate in the declaration signed by them before the competent body."

6. The following amendments and supplements are introduced to art. 55:

a) the previous text becomes para 1;

b) para 2 is created:

"(2) The temporary certificate of a refugee shall be issued immediately after the opening of the proceedings for providing status. Temporary certificate of a foreigner shall also be issued to a foreigner under the age of 14 who is not accompanied by an adult member of the family."

7. In art. 57, para 2 the words "foreigners seeking refugee status" are replaced by "the foreigners seeking or having received protection according to the Law for the asylum and the refugees".

8. In art. 58, after the word "the country" a comma is added followed by "with exception of a foreigner holding temporary certificate of a refugee".

9. The following amendments and supplements are introduced to art. 59:

a) in para 1:

aa) item 3 is amended as follows:

"3. temporary certificate of a refugee - issued by the State Agency for the refugees to foreigners for whom proceedings have been opened by the general order for providing refugee status, and temporary certificate of a refugee under summary proceedings - by the State Agency for the refugees to foreigners for whom summary proceedings have been opened for providing refugee status, with terms determined by the Law for the asylum and the refugees;"

bb) in item 4, after the words "refugee status" are added "or asylum" and the figure "3" is replaced by "5";

cc) in item 5, after the word "refugee" a dash is added followed by "issued by the bodies of the Ministry of Interior to a foreigner with a refugee status or asylum for a term of validity of up to 5 years, but not longer than the term of validity of the refugee card";

dd) item 9, 10 and 11 are created:

"9. a card of a foreigner with humanitarian status - issued by the bodies of the Ministry of Interior to a foreigner with humanitarian status for a term of validity up to 3 years;

10. certificate of a foreigner with temporary protection - issued to foreigners who have received temporary protection under the conditions and by the order determined by the act for providing the temporary protection;

11. certificates for travelling abroad of a foreigner with humanitarian status - issued by the bodies of the Ministry of Interior to a foreigner with humanitarian status, with a term of validity up to 3 years, but not longer than the term of validity of the card of a foreigner with humanitarian status.";

b) para 2 is amended as follows:

"(2) The certificate for return to the Republic of Bulgaria of a foreigner shall be issued to a person without a citizenship or to a foreigner with provided protection in the Republic of Bulgaria, having lost abroad his Bulgarian identification document according to para 1, item 5, 6 and 11. The same document shall be issued to a foreigner according to art. 34, para 3 and art. 58, para 5 of the Law for the asylum and the refugees when he does not possess valid national documents for travelling."

10. In art. 60, at the end, a comma is added followed by "with exception of the documents under art. 59, para 1, item 3".

11. Art. 60a is created:

"Art. 60a. The term of the certificate for travelling abroad of a refugee, as well as of the certificate for travelling abroad of a foreigner with humanitarian status can be extended by a Bulgarian diplomatic or consular representation upon co-ordination with the State Agency for the refugees."

12. The following amendments are introduced to art. 61:

a) in para 2 the words "permitted refugee status" are replaced by "provided asylum, refugee status or humanitarian status";

b) para 3 is amended as follows:

"(3) The present address shall be entered in the identification document of foreigners staying permanently in the country or of those who are under proceedings for providing refugee status."

13. The following amendments are introduced to art. 62:

a) the previous text becomes para 1;

b) para 2 is created:

"(2) The submission of the document under the preceding para shall not be required from a foreigner seeking or having received protection if he has entered the country without documents."

14. The following amendments and supplements are introduced to the transitional and concluding provisions:

a) created is § 9b:

"§ 9b. All identification documents of foreigners under proceedings for providing refugee status, or of foreigners issued before the enactment of the Law for the asylum and the refugees shall be valid until the expiration of the term for which they have been issued.";

b) in § 21, after the words "foreigners and refugees" a comma is added followed by "issued by the bodies of the Ministry of Interior";

c) in § 23 the conjunction "and" is replaced by a comma and after the words "the Minister of Transport" is added "and Communications and the chairman of the State Agency for the refugees".

§ 7. The following amendments and supplements are introduced to the Law for the foreigners in the Republic of Bulgaria (prom., SG 153/98; amend., SG 70/99, SG 42 and 112/01, SG 45/02):

1. In art. 7, after the words "the foreigners" a comma is added and the word "refugees" is replaced by "seeking or having received protection".

2. In art. 28a, para 1 the words "refugee status" are replaced by "protection according to the Law for the asylum and the refugees" and the sentence "The factual and the legal activities related to the receiving of the permit shall be carried out by the Agency for the refugees" is deleted.

3. In art. 44, para 1 the words "The Agency for the refugees" is replaced by "The State Agency for the refugees".

§ 8. The following amendments and supplements are introduced to the Law for the civil registration (prom., SG 67/99; amend., SG 28 and 37/01):

1. In art. 3, para 2, item 2, letter "c", after the word "refugee" is added "or humanitarian status".

2. In art. 26, para 2, item 2 is amended as follows:

"2. temporary certificate of a refugee or a notification for the birth of a child of parents with a refugee or humanitarian status;"

3. In art. 52, after the word "citizenship" a comma is added and the words "or with refugee status" are replaced by "with a refugee or humanitarian status."

§ 9. In art. 70 of the Law for encouragement of the employment (SG 112/01) para 3 is amended as follows:

"(3) Not required shall be a work permit of foreigners permanently staying in the Republic of Bulgaria or of foreigners to whom asylum, refugee or humanitarian status have been provided."

§ 10. In art. 4 of the Law for the Bulgarian Red Cross (prom., SG 87/95; amend., SG 44/99) item 6 is amended as follows:

"6. assist the foreigners seeking or having received protection in the Republic of Bulgaria according to the Law for the asylum and the refugees;"

§ 11. The following amendments and supplements are introduced to the Law for the health insurance (prom., SG 70/98; amend., SG 93 and 153/98; SG 62, 65, 67, 69, 110 and 113/99; SG 1, 31 and 64/00; SG 41/01, SG 1/02):

1. In art. 33, item 4 after the word "refugee" a comma is added followed by "humanitarian status.

2. The following amendments and supplements are introduced to art. 34:

a) in para 1, item 3 the words "according to art. 33, item 3" are replaced by "according to art. 33, item 4";

b) in para 2:

aa) new item 2 is created:

"2. for the persons under art. 33, item 4 - from the date of opening proceedings for providing refugee status or right to asylum;"

bb) the previous item 2 becomes item 3.

§ 12. In art. 13a of the law for the Bulgarian citizenship (prom., SG 136/98; amend., SG 41/01) after the word "refugee" is added "or asylum".

§ 13. The implementation of the law is assigned to the Council of Ministers.

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The law was adopted by the 39th National Assembly on May 16, 2002 and was affixed with the official seal of the National Assembly.

## Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4 § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

## Transitional and concluding provisions

# TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW FOR THE ASYLUM AND THE REFUGEES

(PROM. – SG 52/07)

§ 85. The initiated prior to entering into force of this law proceedings shall be considered following the existing regulations.

§ 86. Within one month after entering of this law into force the Council of Minister shall approve the forms of registration cards referred to in Art. 45, par. 1.

§ 87. All identification documents of foreigners, undergoing proceedings for granting a status, issued prior to entering of this law into force, shall remain valid until the expiration of their validity.

§ 88. Until the approval of the forms of registration cards referred to in Art. 45, par. 1 and production of registration cards, to a foreigner, for whom are instituted:

1. summary proceedings or proceedings by the general order for granting a status, documents in compliance with the existing form and procedure shall be issued;

2. proceedings for determination of the state, competent to consider the application for a status, a temporary certificate of a refugee undergoing summary proceedings shall be issued, with indication that the proceedings are pursuant to the provisions of Chapter Six, Section Ia.

Appendix to Art. 45, par. 2  
(new – SG 52/07)

Model of a permit for the transfer of persons enjoying temporary protection

Pass for the transfer of persons enjoying temporary protection

PASS

Name of the members state delivering the pass

Reference (\*):

Issued under Article 26 of Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of effort between Member states in receiving such and bearing the consequences thereof.

Valid only for the transfer from ..... (1)

to ..... (2)

The person in question must present himself/herself at..... (3)

by ..... (4)

Issued at: .....  
SURNAME: .....  
FORENAMES: .....  
PLACE AND DATE OF BIRTH: .....  
In case of a minor, name(s) of responsible adult .....  
SEX: .....  
NATIONALITY: .....  
Date issued: .....

PHOTO

SEAL

Signature of the beneficiary: ..... For The  
competent authorities: .....

The pass-holder has been identified by the authorities  
..... (5), (6)

The identity of the pass-holder has not been  
established.....

This document is issued pursuant to Article 26 of Directive  
2001/55/EC only and in no way constitutes a document which can be  
equated to a travel document authorizing the crossing of the external  
border or a document proving the individual's identity.

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(\*)The reference number is allocated by the country from which the  
transfer to another Member State is made.

- (1) Member State from which the transfer is being made
- (2) Member State to which the transfer is being made.
- (3) Place where the person must present himself/herself on arrival in  
the second Member State.
- (4) Deadline by which the person must present himself/herself on  
arrival in the second Member State.
- (5) On the basis of the following travel or identity documents,  
presented to the authorities
- (6) On the basis of documents other than a travel or identity  
documents