

THE REPUBLIC OF BULGARIA

State Agency for Refugees with the Council of Ministers

ORDER № RD05-263 / 08.04.2022

Pursuant to Art. 5, para. 2, item 12 of the Structural Regulations of the State Agency for Refugees with the Council of Ministers (SAR with CoM), in connection with Art. 48, para. 1, item 2, in connection with Art. 68, para. 1, item 2 of the Law on Asylum and Refugees,

Taking into account that by Decision No. 144 of 10 March 2022 of the Council of Ministers of the Republic of Bulgaria, amended by Decision No. 180 of 30 March 2022 of the Council of Ministers, pursuant to Art. 2, para. 2 of the Law on Asylum and Refugees, a temporary protection has been granted to displaced persons from Ukraine in accordance with the Implementing Decision of the Council of the European Union (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Art. 5 of Directive 2001/55 / EC and on the introduction of temporary protection

I ORDER:

1. The immediate suspension of the registration and initiation of proceedings for granting international protection on applications submitted by displaced persons from Ukraine, and instead of that, to register them as foreigners granted temporary protection by issuing them a registration card under Art. 41, para. 1, item 5 of the Law on Asylum and Refugees.
2. Individual administrative proceedings for granting international protection to displaced persons from Ukraine shall be instituted exceptionally in cases where the person does not possess any valid documents or other written evidence which to establish that he/she falls into the category of persons, covered by the effect of the introduced temporary protection, according to art. 2 of Decision on the Implementation of the Council of the European Union (EU) 2022/382 of 4 March 2022 and items 1 and 3 of the Decision of the Council of Ministers No.144 of 10 March 2022, as amended by Decision No. 180 of 30 March 2022 of the Council of Ministers. According to the instructions of the Council of Ministers and the European Commission, such written evidence may be expired identity documents, driving licenses, birth certificates for children under 14 and other official documents indirectly proving such identity as certificates, passes, diplomas, membership cards, bank cards, employment records, title deeds and the like. In such cases, the international protection proceedings instituted shall be conducted as soon as possible.
3. The proceedings for international protection instituted under para. 2 shall be terminated under para. 4 when the foreigner provides documents or other written evidence to verify that he/she falls into the category of persons covered by the temporary protection, or where, despite the absence of such documents, falling into this category of persons is established by the interviewing authority as a result of a due diligence. In cases where such an establishment cannot be made, the proceedings for international protection shall continue in accordance with the statutory procedure with the issuance of an individual decision.

4. I terminate the proceedings for granting international protection, instituted after March 14, 2022 at the request of displaced persons from Ukraine, until the expiration of the originally determined term of temporary protection on March 4, 2023, according to Art. 4 of Council Implementing Decision (EU) 2022/382 of 4 March 2022 and, if extended, until the date the extension expires, except in cases where temporary protection is terminated or revoked in accordance with Art. 82, para. 1 or para. 2 of the Law on Asylum and Refugees.

5. On the grounds of art. 60, para. 1 of the Administrative Procedure Code, I allow preliminary execution of decisions to terminate proceedings for international protection, instituted after March 14, 2022 at the request of displaced persons from Ukraine, in order to protect particularly important state and public interests related to timely access to registration, issuance of certification documents and the exercise of recognized rights as foreigners granted temporary protection in the territory of the Republic of Bulgaria, due to the danger that otherwise this access may be significantly delayed or hindered, which may result in irreparable damage, including damage of the rights and legal interests of the displaced persons themselves, such as impeding their access to medical, social and educational services and assistance, as well as the Humanitarian Aid Program for accommodation and food, approved by the Council of Ministers.

6. The responsible official of the territorial unit, where the respective registration card of a foreigner has been issued, to whom proceedings have been instituted for consideration of the application for international protection by the order of art. 41, para. 1, item 4 of the Law on Asylum and Refugees against a displaced person from Ukraine, whose proceedings have been terminated on the basis of this Order, immediately changes its status in the Administrative Information System “Refugees” to “invalid”.

7. The interviewing authorities of the relevant territorial unit where the terminated international protection proceedings have been instituted shall immediately prepare and submit to the Head of the “International Protection Proceedings Department” a draft decision to terminate them, which shall be sent within 14 days for signature by the Chairperson or a Deputy Chairman appointed by her order under art. 95, para. 2 of the Internal Rules for conducting the procedure for granting international protection of the State Agency for Refugees with the Council of Ministers. The draft decision shall also contain information about the right to appeal the termination within 14 days under Art. 56, para. 4, in connection with art. 197 of the Administrative Procedure Code before the relevant court at the current address of the registration card of the foreigner. The draft decision shall contain as an additional operative part the order where the preliminary execution of the termination decision of the proceedings for granting international protection is allowed with the legal and factual grounds (reasons) indicated in item 5 of this Order and an indication that the same may be appealed within three days of its notification before the same court.

8. After receiving the personal file in the respective territorial unit, where the proceedings have taken place, the introduction and service of the termination decision of the proceedings for granting international protection shall be carried out by the order and within the terms specified in Art. 107-112 of the Internal Rules.

9. After the decision to terminate the proceedings for granting international protection has entered into force due to the expiration of the 14-day appeal period, if such has not been done, or if, after being appealed, the appeal against it has been finally rejected by the court, the Director or the Head of a department of the respective territorial unit shall organize the immediate issuance and handing over to the displaced person from Ukraine of a registration card of a foreigner who has been granted temporary protection, if the same has not been issued in the meantime by any of the registration services for temporary protection at the Ministry of Interior of the Republic of Bulgaria.

10. Upon handing over the registration card to a foreigner, who has been granted temporary protection, written instructions in a language he/she understands regarding the right of the foreigner under Art. 68, para. 1, item 2 of the Law on Asylum and Refugees in connection with Art. 77, para. 2 of the same law, to request its resumption within 9 months from the date of expiration of the temporary protection.

This order shall be placed in prominent places on the notice boards in the territorial units of SAR with the CoM and shall be published on the website of SAR with the CoM on the day of its issuance and attached translation into English, Ukrainian and Russian.

This order should be immediately brought to the attention of the Directors of the territorial units of SAR with the CoM for information and implementation.

This order has been issued in accordance with Art. 73 of the Administrative Procedure Code in the conditions of urgency for violation prevention and cessation related to national security and public order, which could arise from the increased migrant pressure caused by the existence of mass influx of displaced persons from Ukraine within the meaning of Art. 5 of Directive 2001/55 / EC established by Council Implementing Decision (EU) 2022/382 of 4 March 2022.

This order is subject to appeal before the Sofia City Administrative Court within 14 days of its notification to the interested parties, but not later than one month from its public announcement.

This order shall repeal the Order № RD 05-251/07.04.2022.

Mariana Tosheva

Chairperson of the State Agency for Refugees with the Council of Ministers