

# ASYLUM AND REFUGEES ACT

*Prom. SG. 54/31 May 2002, amend. SG. 31/8 Apr 2005, amend. SG. 30/11 Apr 2006, amend. SG. 52/29 Jun 2007, amend. SG. 109/20 Dec 2007, amend. SG. 82/16 Oct 2009, amend. SG. 39/20 May 2011, amend. SG. 15/15 Feb 2013, amend. SG. 66/26 Jul 2013, amend. SG. 98/28 Nov 2014, amend. and suppl. SG. 80/16 Oct 2015, amend. and suppl. SG. 101/22 Dec 2015, amend. SG. 33/26 Apr 2016, amend. and suppl. SG. 97/6 Dec 2016, amend. SG. 101/20 Dec 2016, amend. and suppl. SG. 103/27 Dec 2016, amend. SG. 17/26 Feb 2019, amend. SG. 24/22 Mar 2019, amend. and suppl. SG. 34/23 Apr 2019, amend. SG. 101/27 Dec 2019, amend. and suppl. SG. 89/16 Oct 2020*

## Chapter one.

### GENERAL

Art. 1. (1) (amend. – SG 80/15, in force from 16.10.2015) This Act regulates the terms and the procedure for providing protection to foreigners on the territory of the Republic of Bulgaria, as well as their rights and obligations.

(2) (amend. – SG 80/15, in force from 16.10.2015) The protection provided by the Republic of Bulgaria to foreigners, shall include asylum, international protection and temporary protection.

Art. 1a. (new – SG 80/15, in force from 16.10.2015) (1) Republic of Bulgaria subject to compliance with this act shall provide international protection and temporary protection.

(2) International protection shall be provided by virtue of the Refugees relating to the Status Convention, made in Geneva on 28 July 1951 and the Protocol relating to the Status of Refugees of 1967, ratified by an act (prom. SG 36/92, suppl. SG 30/93) (SG 88/93), of international acts on the protection of human rights and of this act and shall include a refugee status and humanitarian status.

(3) Temporary protection shall be granted in case of mass refugees' influx who are forced to leave their state of origin due to armed conflict, civil war, foreign aggression, violation of human rights or heavy violence in the territory of the respective state or in an individual region thereof, and who because of this cannot return there.

Art. 2. (amend. – SG 80/15, in force from 16.10.2015) (1) The President of the Republic of Bulgaria, subject to compliance with the assigned powers thereto, in cases referred to in Art. 27, para. 2 of the Constitution, and also where state interests or special circumstance require so shall provide asylum.

(2) The Council of Ministers shall provide temporary protection under Art. 1a, par. 3, introduced by a Decision of the European Union Council. The term of temporary protection is determined by the decision of the European Union Council.

(3) The chairman of the State Agency for the Refugees shall provide international protection.

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 cooperation with the High Commissioner of the United Nations Organisation for the refugees.

(2) (amend. – SG 80/15, in force from 16.10.2015) 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 international protection and of temporary protection. He can be introduced to each specific case and give written or verbal opinion on it.

(3) (New - SG, 89/20) The provision of Para. 2 shall also apply to the organizations, operating on the territory of the country on behalf of the High Commissioner of the United Nations Organization for Refugees, in accordance with an agreement, concluded with the Republic of Bulgaria.

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

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

(3) (amend. – SG 80/15, in force from 16.10.2015) 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, or he has been exposed to a danger of torture or other forms of cruel, inhuman or humiliating attitude or punishment.

(4) (amend. – SG 80/15, in force from 16.10.2015) The rights under para 3 cannot be exercised by a foreigner 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 Act 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; amend. – SG 80/15, in force from 16.10.2015) The legal capacities under this Act 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 provision of international protection and shall assist foreigners, having filed applications for such protection.

(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.

(3) (new – SG 80/15, in force from 16.10.2015, amend. and suppl. - SG 34/19) Officials in accommodation centers and these, conducting the proceedings under this act with foreigners seeking international protection, especially with foreigners of a vulnerable group, shall be provided with suitable training including the elements listed in Article 6, para. 4, (a) to (e) of Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (OB, L 132/11 of 29 May 2010).

Art. 6a. (new – SG 52/07; amend. - SG 80/15, in force from 16.10.2015) The best interest of the

child shall be of utmost priority with respect to the implementation of this act. The evaluation of the child's best interest shall be done subject to compliance with the provisions of the Child Protection Act.

## **Chapter two.**

### **TYPES OF PROTECTION (TITLE AMEND. – SG 80/15, IN FORCE FROM 16.10.2015)**

## **Chapter two.**

### **TYPES OF SPECIAL PROTECTION**

Art. 7. (revoked - SG 80/15, in force from 16.10.2015)

Art. 8. (amend. – SG 80/15, in force from 16.10.2015) (1) Refugee status in the Republic of Bulgaria shall be granted to a foreigner who due to valid fears of harassment based on race, religion, nationality, political views or belonging to a certain social group, who is outside their country of origin, and for these reasons they cannot or do not wish to enjoy the protection by this state or return to it.

(2) For granting a status under par. 1 the circumstance whether the foreigner belongs to this race, religion, nationality, social group or expresses political opinion, 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) Prosecuting subjects can be:

1. the state;

2. parties or organizations controlling the state or a significant part of its territory;

3. non-governmental subjects, where it can be proven that the subjects referred to in item 1 and 2, including international organizations cannot or do not wish to provide protection against prosecution.

(4) Persecution is 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) Actions of persecution can be:

1. physical or mental abuse, including sexual abuse;

2. legislative, administrative, police or judicial measures, which are discriminatory by nature, or are applied in a discriminatory way;

3. criminal prosecution or penalties, which are non-proportional or discriminatory;

4. refusal of court defense, resulting in non-proportional or discriminatory penalty;

5. criminal prosecution or penalties for refusal to do military service in case of war activities, where the military service would presume crime commitment or an act under Art. 12, par. 1, item 1 – 3, actions against persons because of their sex or against children.

6. actions directed against persons for reasons of their sex or against children.

(6) Apprehensions 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, especially if it is found out that this activity is an expression or continuation of beliefs or ideas, expressed in their country of origin, unless where it has been carried out with the sole purpose of obtaining international protection by this foreigner pursuant to this Act.

(7) Protection against prosecution can be provided by the state, parties or organizations, including international organization, controlling the state or a significant part of its territory, provided that they wish and can offer effective protection, accessible by the foreigner or which is not of a temporary nature.

(8) A refugee status may not be granted, provided that in a part of the state of origin no reason for grounded apprehension of persecution of the foreigner is existing, whereas they may securely and legitimately travel and have got access to this part of the state, and also it can be reasonably expected that

they will settle there.

(9) (suppl. - SG 34/19) As refugees shall be considered the family members of a foreigner with conceded refugee status, provided the family ties precede the foreigner's entry into the country, as far as this is compatible with their personal status and the circumstances under Art. 12, para. 1 are not present.

(10) When a foreigner with conceded statute of refugee marries to another foreigner he can acquire statute of refugee only on their own grounds.

Art. 9. (amend. – SG 52/07) (1) (amend. – SG 80/15, in force from 16.10.2015) Humanitarian status shall be granted to a foreigner not meeting the requirements for granting of a refugee status and who cannot or does not wish to get protection by their state of origin, because they can be exposed to a real risk of heavy encroachments, such as:

1. sentence to death or execution, or
2. torture, inhuman or humiliating attitude or punishment, or
3. heavy threat to their life or personality as a civilian due to promiscuous violence in case of internal or international armed conflict.

(2) (amend. – SG 80/15, in force from 16.10.2015) Subjects, carrying out heavy encroachments under par. 1 can be:

1. the state;
2. parties or organizations controlling the state or a significant part of its territory;
3. non-governmental subjects, where it can be proven that the subjects referred to in item 1 and 2, including international organizations cannot or do not wish to provide protection against heavy encroachments.

(3) (amend. – SG 80/15, in force from 16.10.2015) 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 thereby after their departure, especially if it is found out that this activity is an expression or continuation of their beliefs or ideas, expressed in the state of origin, unless it has been implemented solely for the reason of obtaining by the foreigner of international protection under this Act.

(4) (amend. – SG 80/15, in force from 16.10.2015) Protection against heavy encroachment can be provided by the state, parties or organizations, including international organizations, controlling the state or a significant part of its territory, provided that they wish and can offer effective protection, accessible for the foreigner and which is not of a temporary nature.

(5) (amend. – SG 80/15, in force from 16.10.2015) 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 they can travel securely and legitimately and can get access to this part of the state, and also it can be reasonably expected that they will settle there.

(6) (amend. – SG 80/15, in force from 16.10.2015, suppl. - SG 34/19) Humanitarian status shall be granted also to the family members of a foreigner having been granted humanitarian status, provided the family ties precede the foreigner's entry into the country, insofar as this is compatible with their personal status and the circumstances under Art. 12, par. 2 are not present.

(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. (revoked – SG 80/15, in force from 16.10.2015)

### **Chapter three.**

## **GROUND FOR REFUSAL, TERMINATION AND REVOKING PROTECTION AND FOR ABATEMENT OF THE PROCEEDINGS (TITLE, AMEND. – SG, 89/20)**

### **Chapter three.**

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

Art. 12. (1) (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. (amend. - SG 101/16, in force from 20.12.2016) for whom serious grounds exist that he commits, abets, aids, participates in training or preparation for performing activities contradicting the goals and the principles of the United Nations Organisation, settled in the Preamble and Art. 1 and 2 of the Charter of the United Nations and its resolutions on measures to combat international terrorism;

4. (suppl. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) who uses the protection or the aid of bodies or organizations of the United Nations Organization, different from the High Commissioner of the United Nations Organization for Refugees, except for the cases, in which this protection or aid has been suspended and person's situation has not been determined, according to the respective resolution of the United Nation Organization; this person can enjoy the privileges arising out of the Convention relating status of refugees of 1951;

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;

6. (new – SG 80/15, in force from 16.10.2015) about whom there are serious reasons to assume that they are a threat to national security;

7. (new – SG 80/15, in force from 16.10.2015) who has been sentenced once with an enforced sentence for a heavy crime and is a threat to society.

(2) (new – SG 52/07; amend. – SG 80/15, in force from 16.10.2015) Humanitarian status shall not be granted to a foreigner:

1. about whom there are substantial grounds to anticipate that he/she has committed any of the acts under par. 1, item 1 and 3;

2. about whom there are substantial grounds to anticipate that they have committed a heavy crime;

3. who 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;

4. about whom there are substantial grounds to anticipate that they are a threat to society or to national security.

Art. 13. (amend. SG 31/05) (1) (suppl. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015)  
The application of a foreigner for provision of international protection 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 Act;
2. (amend. – SG 80/15, in force from 16.10.2015) points out no reasons of grounded apprehension of prosecution;
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; revoked – SG 101/15)
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; amend. – SG 101/15) is coming from a secure state of origin;
14. (new – SG, 89/20) comes from a safe third country, provided that he will be admitted to it;
15. (prev. item 9 - SG, 52/07, amend. - SG, 97/16), prev. item 14 - SG, 89/20) 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", "return" or "expulsion";

(2) (amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, amend. – SG, 89/20) A subsequent application for international protection, in which the foreigner does not refer to any new circumstances, essential to his personal situation or to his country of origin shall be assessed in accordance with Chapter Six, Section III.

(3) (new – SG 52/07, amend. – SG, 89/20) While applying Para. 1, item 13, it shall be assessed, whether the person has indicated serious grounds to be believed, that this country is not a secure country of origin in view of his specific circumstances.

(4) (New, SG, 89/20) The circumstance under Para. 1, item 14 may be an independent ground for rejection of the application as obviously unfounded, only if the following conditions have been met:

1. there is a link between the foreigner and the third country concerned, justifying his return, in the case of an individual security check in the country for the foreigner concerned;
2. the foreigner is provided with a document in the language of the safe third country, informing the relevant authorities, that his application has not been examined on the merits.

(5) (New, SG, 89/20) If a foreigner is not admitted to the territory of the third secure state, he shall be granted access to proceedings for granting international protection in the Republic of Bulgaria.

Art. 14. (amend. – SG 80/15, in force from 16.10.2015, repealed – SG, 89/20)

Art. 15. (Amend., SG, 89/20) (1) The proceedings for granting international protection shall be terminated when:

1. after a proper invitation, the foreigner did not appear for an interview and for 30 days did not indicate objective reasons for his absence;
  2. the foreigner cannot be found twice at the permitted address or at another address, indicated by him;
  3. the foreigner changed his address without notifying the State Agency for Refugees and within 30 days did not indicate objective reasons for this;
  4. three or more times the foreigner refuses to assist the officials of the State Agency for Refugees in clarifying the circumstances, related to his application;
  5. the foreigner withdrew his application for international protection;
  6. the foreigner has been granted international protection in another Member State of the European Union;
  7. the foreigner was granted asylum by the president;
  8. the foreigner died;
  9. with regard to the foreigner, there is a decision under Art. 67c, Para. 1, item 1, which allows his transfer to another Member State of the European Union
- (2) In the cases under Para. 1, items 1 - 5, in the presence of sufficient evidence for unfoundedness of the application for international protection, the same shall be considered under Art. 75.

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

Art. 17. (Amend., SG, 31/05, amend., SG, 52/07, amend., SG, 89/20) (1) The granted international protection shall be terminated when the foreigner:

1. he may no longer waive the protection of his country of origin, because the circumstances, giving rise to the fear of persecution have ceased to exist and the change in those circumstances is sufficiently significant and not of a temporary nature;
  2. voluntarily avails himself of the protection of his country of origin;
  3. once he has lost his nationality, regained it or acquired a new nationality in another country;
  4. acquires Bulgarian nationality;
  5. voluntarily established himself in the state, in which he was persecuted;
  6. received asylum from the President;
  7. has unequivocally refused to be recognized as a person with international protection in the Republic of Bulgaria;
  8. died.
- (2) Para. 1, item 1 shall not be applied, when the foreigner indicates convincing reasons, arising from previous persecution, for his refusal to enjoy the protection of his country of origin.
- (3) A granted refugee status shall be revoked when, in respect of the foreigner, the existence of

grounds under Art. 12, Para. 1 or Art. 13, Para. 1, items 6 and 7 are found.

(4) A granted humanitarian status shall be revoked when, in respect of the foreigner, the existence of grounds under Art. 12, Para. 2 or Art. 13, Para. 1, items 6 and 7 are found.

(5) Temporary protection shall be taken away from the foreigner when the existence of grounds under Art. 12, Para. 1, items 1 - 3 are found, or for whom there are serious grounds to assume, that he represents a danger for the national security or for 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; amend. – SG 80/15, in force from 16.10.2015) Members of the family of a foreigner having been granted asylum, provided international protection, who 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) (amend. – SG 80/15, in force from 16.10.2015) Foreigners seeking or having received international 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 international protection is provided.

(2) (amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) The state shall provide conditions for obtaining legal aid of foreigners seeking international protection in the Republic of Bulgaria.

(3) (new – SG 101/15) Organizations under par. 1 and persons providing legal assistance to foreigners seeking international protection shall be provided with effective access to foreigners which are



present at the border check points, including in transit areas.

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. (Amend., SG No. 89/2020) (1) An unaccompanied minor or a junior foreigner, seeking or receiving international protection, who is on the territory of the Republic of Bulgaria shall be represented in the proceedings under this Act by a lawyer, entered in the register for legal aid of the National Legal Aid Bureau, appointed by the chairman of the Bureau or by an official, authorized by him.

(2) The representative must have the necessary knowledge to be able, in accordance with the principle of ensuring the best interests of the child, to assist the unaccompanied minor or junior foreigner to exercise his / her rights and perform his / her obligations provided for in this Act. The representative may not be a person, whose interests are in conflict or may be in conflict with the interests of the unaccompanied minor or junior foreigner.

(3) The representative of a minor or junior foreigner, seeking or having received international protection until the person reaches full age shall have the following powers in the proceedings under this Act:

1. to take care of their legal interests in the proceedings for provision of international protection up to their finalization by an enforced decision;

2. to represent them before all administrative authorities, including social, health care, educational and other institutions in Republic of Bulgaria, in view of protection of child's best interest;

3. to play the role of a process agent in all proceedings before the administrative and judicial authorities.

(4) The powers under Para. 3 shall be terminated in respect of an unaccompanied minor or junior foreigner, who has received protection:

1. when he gathers on the territory of the Republic of Bulgaria with a parent, guardian or trustee;

2. when he has received special representation and care under the Family Code;

3. for whom guardianship or trusteeship has arisen by right under the Family Code.

(5) The unaccompanied minor or junior foreigner shall be informed immediately of his / her appointed representative under Para. 1. The representative shall be replaced only in the event of inability to perform his duties or in the event of a conflict of interest.

(6) The representative shall explain to the unaccompanied minor or junior foreigner the proceedings on the application for international protection, inform him / her about his / her rights and obligations, about the meaning and consequences of the personal interview and how to prepare.

(7) The representative shall be present during the interview with the unaccompanied minor or junior foreigner, where he has the opportunity to ask questions, admitted by the interviewing authority and to state considerations, related to the application for protection and the ongoing administrative proceedings.

Art. 25a. (New, SG, 89/20) (1) The territorial reception units of the State Agency for Refugees shall provide the necessary reception conditions for minors and junior foreigners, seeking international protection.

(2) The State Agency for Child Protection shall monitor and control the conditions of admission to the territorial divisions of the State Agency for Refugees for observance of the rights of minors and foreign juniors, seeking international protection and prevention of physical and mental violence, cruel, inhuman or degrading treatment or punishment.

Art. 26. (amend. – SG 52/07) (1) (amend. – SG 80/15, in force from 16.10.2015) The minor and under age foreigners seeking or having received international protection shall be entitled to primary and secondary education, including vocational education and professional training under the terms and conditions and following the procedure applicable to Bulgarian citizens.

(2) (amend. – SG 80/15, in force from 16.10.2015) Foreigners, having obtained international protection, shall be entitled to primary and secondary education, including vocational education and professional training under the conditions and following the procedure applicable to Bulgarian citizens.

(3) (new – SG 80/15, in force from 16.10.2015) Access to education system for minor and underage foreigners, seeking or having received international protection cannot be delayed by more than three months as of the date of filing of the application for international protection.

(4) (new – SG 80/15, in force from 16.10.2015) The right to education of persons seeking or having received international protection in state and municipal schools shall be implemented under terms and conditions and following a procedure determined by the Minister of Education and Science in coordination with the Chairman of the State agency for the refugees.

(5) (new – SG 80/15, in force from 16.10.2015) Persons having been provided with international protection who are not able to submit documents certifying their qualification and wishing to exercise a regulated profession in Republic of Bulgaria, can have access to exercising such profession according to the provisions of Recognition of Professional Qualifications Act.

Art. 27. (amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015) 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 international protection, due to lunacy 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 international protection during the proceedings (Title amend. – SG 80/15, in force from 16.10.2015)**

## **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. (new – SG 80/15, in force from 16.10.2015; amend. – SG 97/16) to travel within the borders of defined area in the territory of Republic of Bulgaria;
3. (prev. item 2 – SG 80/15, in force from 16.10.2015) to shelter and food;
4. (prev. item 3 – SG 80/15, in force from 16.10.2015) to social support pursuant to the procedures and in the amount determined for the Bulgarian citizens;
5. (prev. item 4 – SG 80/15, in force from 16.10.2015) to health insurance, accessible medical care and free medical service under the conditions and pursuant to the procedure applicable to the Bulgarian citizens;
6. (prev. item 5 – SG 80/15, in force from 16.10.2015) psychological help;

7. (prev. item 6 – SG 80/15, in force from 16.10.2015) to obtain registration card;
8. (prev. item 7 – SG 80/15, in force from 16.10.2015) to a translator or interpreter.

(2) (amend. – SG 80/15, in force from 16.10.2015) The rights under par. 1 can also be enjoyed by foreigners, to whom proceedings under Art. 67a, para. 2, item 1 have been instituted for determination of the state competent to consider the application for provision of international protection. The rights under par. 1, item 1, 7 and 8 shall be enjoyed also by foreigners, to whom proceedings under Art. 67a, para. 2, item 2 have been instituted for determination of the state, competent to consider the application for provision of international protection.

(3) (amend. – SG 80/15, in force from 16.10.2015, amend. - SG 33/16, in force from 21.05.2016; amend. – SG 97/16) The foreigner shall have the right to access to the labour market, including to be involved in programs and projects, financed from the state budget or under international or European funding, provided that the proceedings are not finalized within 3 months after the submission of the application for international protection due to reasons out of their control.

(4) (suppl. – SG 80/15, in force from 16.10.2015) 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. During the medical check-up it shall be found out whether the foreigner seeking international protection belongs to a vulnerable group and whether they have got special needs.

(5) (new – SG 80/15, in force from 16.10.2015) Medical check-up shall take place in health care offices to the territorial units. The activity of health care offices can be run by a doctor, medical nurse or medical assistant.

(6) (new – SG 80/15, in force from 16.10.2015) Health care offices carry out activities for:

1. initial tests upon registration of persons having filed an application for protection;
2. permanent medical supervision;
3. provision of first medical aid;
4. control over persons hygienic status;
5. permanent monitoring for compliance with hygiene requirements;
6. drawing up and maintenance of medical documentation for every person.

(7) (prev. par. 5, amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, amend. – SG, 89/20) The rights under Para. 1, item 3 and 4 shall not be granted to a foreigner with admitted subsequent application for provision of international protection, with the exception of persons, belonging to a vulnerable group.

(8) (new – SG 101/15, amend. – SG, 89/20) Upon resumption of the proceedings or an admitted subsequent application, the health insurance rights of the foreigner shall be considered continuous.

(9) (prev. par. 6 – SG 80/15, in force from 16.10.2015; prev. par. 8 – SG 101/15) 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.

(10) (prev. par. 7, amend. – SG 80/15, in force from 16.10.2015; prev. par. 9 – SG 101/15) The non-accompanied minor and under-age foreigners shall be accommodated until they come to legal age in:

1. (amend. - SG 24/19, in force from 01.07.2020, amend. regarding the entry into force – SG 101/19) relatives' families or at close ones', with a foster family, social or integrated health and social services for residential care subject to compliance with the provisions and the procedure under Child Protection Act;
2. in other places of accommodation with special conditions for minor and under-age persons.

(11) (new – SG 80/15, in force from 16.10.2015; prev. par. 10 – SG 101/15) For determination of the place of accommodation of a non-accompanied minor or underage person their opinion shall be taken

into account. As far as possible, their siblings must be accommodated together, in consideration of child's best interest.

(12) (new – SG 80/15, in force from 16.10.2015; prev. par. 11 – SG 101/15, amend. – SG, 89/20) The right under Para. 1, item 1 shall not be enjoyed by a foreigner, who is subject to extradition or delivery to another European Union Member State or to a third state in fulfillment of Extradition and European Arrest Warrant Act.

Art. 29a. (new – SG 101/15) The foreigner and their representative shall be entitled to file an application for access to the collected information, based on which a decision shall be taken, except for in cases where:

1. the disclosure of information or of the sources thereof could endanger national security, the security of organizations or of persons providing information or of the person it is related to, or
2. this would prevent the consideration of the application for international protection, or
3. this would impede international relations of the Member States.

Art. 30. (1) (amend. – SG 52/07; prev. Art. 30 - SG 80/15, in force from 16.10.2015) 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. (amend. – SG 101/15) to observe the regulations for the internal order in the transit and registration reception 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. (amend. - SG 80/15, in force from 16.10.2015; amend. – SG 101/15) not to change the address, determined according to the provision of Art. 29, par. 9 without permission by the State Agency for the refugees;
  6. not to enter the border zone of the Republic of Bulgaria without a due permit;
  7. (new - SG 80/15, in force from 16.10.2015) not to enter zones, determined by the Chairman of the State Agency for the refugees or an official appointed thereby;
  8. (prev. item 7 - SG 80/15, in force from 16.10.2015) not to leave the territory of the Republic of Bulgaria without the permit of the State Agency for the refugees;
  9. (prev. item 8 - SG 80/15, in force from 16.10.2015) to assist the clarification of his case by announcing a full and reliable information to the respective officials;
  10. (new – SG 52/07; prev. item 9 - SG 80/15, in force from 16.10.2015) to be taken fingerprints;
  11. (new - SG 80/15, in force from 16.10.2015) not to leave the allocated zone.
- (2) (new - SG 80/15, in force from 16.10.2015) A foreigner seeking international protection can leave the allocated zone or enter the zones under par. 1, items 6 or 7 with the permission of the Chairman of the State Agency for the refugees or on official authorized thereby.
- (3) (new - SG 80/15, in force from 16.10.2015) A refusal to issue a permit to leave the allocated zone or to enter zones under par. 1, items 6 or 7 shall be subject to justification. Permit shall not be needed where the foreigner seeking international protection must appear before a court of justice, before an administrative authority or needs specialized health care.

Art. 30a. (new – SG 52/07; amend. - SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) (1) When establishing the affiliation of a foreigner, seeking international protection to a vulnerable group or with special needs, the needs shall be identified and assessed, and if necessary, a support plan is to be prepared. The prepared documents shall be attached to the personal file of the foreigner.

(2) For the purposes of the proceedings, the special situation of the foreigner from a vulnerable group or the special needs shall be taken into account, regardless of the stage, at which they are established.

### **Section III.**

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

Art. 31. (1) (new - SG 80/15, in force from 16.10.2015) A foreigner shall be advised of their rights and obligations arising out of the provided international protection in an understandable for them language.

(2) (prev. Art. 31, amend. - SG 80/15, in force from 16.10.2015) Foreigners in the Republic of Bulgaria having received asylum shall have equal rights and obligations with the persons having been granted a refugee status.

Art. 32. (1) (New – SG, 89/20) A foreigner with granted international protection shall have the right to reside on the territory of the Republic of Bulgaria for the period of validity of the Bulgarian personal documents, issued to him.

(2) (Amend. – SG, 52/07, former Para. 1 – SG, 89/20) 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 an Act requires a Bulgarian citizenship;
3. to be a military serviceman;
4. other restrictions explicitly stipulated by an Act.

(3) (new – SG 52/07; amend. - SG 80/15, in force from 16.10.2015, repealed, former Para. 2 – SG, 89/20) A foreigner with granted humanitarian status shall have the rights and obligations of a foreigner with permitted permanent residence in Republic of Bulgaria.

(4) (prev. par. 3 – SG 52/07, repealed – SG, 89/20).

(5) (new - SG 80/15, in force from 16.10.2015) Foreigners provided with protection can be involved in programs and projects containing integration measures subject to compliance with the terms and conditions and following the procedure provided therein.

Art. 33. (amend. – SG 52/07; amend. - SG 80/15, in force from 16.10.2015) Non-accompanied minor and under-age foreigners, having been provided with international protection until they come to legal age shall be accommodated:

1. (amend. - SG 24/19, in force from 01.07.2020, amend. regarding the entry into force – SG 101/19) with relatives' families or at close ones', with a foster family, social or integrated health and social services for residential care subject to compliance with the provisions and the procedure under the Child Protection Act;

2. in other places of accommodation with special conditions for minor and under-age persons.

(2) The accommodation under par. 1, item 1 – 3 shall be done pursuant to the provisions of the Child Protection Act.

Art. 34. (1) (amend. SG 31/05; amend. and suppl. – SG 52/07; amend. - SG 80/15, in force from 16.10.2015, suppl. - SG 34/19) The foreigner provided with international protection shall have the right to claim family uniting on the territory of the Republic of Bulgaria, provided the family ties precede the foreigner's entry into the country.

(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; amend. - SG 80/15, in force from 16.10.2015) 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 provided with international protection 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; suppl. - SG 80/15, in force from 16.10.2015) 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. Tracing shall be carried out under confidentiality condition, where the circumstances require so.

Art. 35. (1) (amend. - SG 80/15, in force from 16.10.2015, former text of Art. 35 – SG, 89/20) A foreigner with provided international protection shall be obliged, within 14 days after the receipt of the permit for provision of international protection, to appear at the municipality of the populated area where he will settle in order to be entered in the register of the population.

(2) (New, SG, 89/20) The foreigner shall be obliged within 30 days after the entry in the register under Para. 1 to submit an application for issuance of Bulgarian personal documents.

Art. 36. (revoked - SG 80/15, in force from 16.10.2015)

Art. 37. (amend. - SG 80/15, in force from 16.10.2015) Local government and local administration authorities shall register in the registers of population the foreigners having received international protection and their families and shall provide a possibility of exercising the rights provided by this Act.

Art. 37a. (new - SG 80/15, in force from 16.10.2015) (1) Foreigners provided with asylum or international protection in Republic of Bulgaria shall be offered to conclude an integration agreement, regulating their rights and obligations, and also the rights and obligations of the respective governmental or municipal authorities.

(2) The terms and conditions and the procedure of conclusion, implementation and termination of the agreement under par. 1 shall be determined by an ordinance adopted by the Council of Ministers.

Art. 38. (amend. and suppl. – SG 52/07; amend. - SG 80/15, in force from 16.10.2015) A foreigner with provided asylum or international protection can acquire Bulgarian citizenship under the conditions and by the order of the Bulgarian Citizenship Act.

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) (amend. - SG 80/15, in force from 16.10.2015) Non-accompanied minor and under-age foreigners, enjoying temporary protection shall be accommodated:

1. (amend. - SG 24/19, in force from 01.07.2020, amend. regarding the entry into force – SG 101/19) with relatives' family or at close ones, with a foster family, social or integrated health and social services for residential care subject to compliance with the provisions and the procedure under the Child Protection Act;

2. in other places of accommodation with special conditions for minor and under-age persons

(5) (amend. - SG 80/15, in force from 16.10.2015) A foreigner enjoying temporary protection filing an application for international protection, may not enjoy the rights of a foreigner under proceedings for provision of international protection.

(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) (suppl. - SG 80/15, in force from 16.10.2015) 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 within three days after the registration of the foreigner seeking international protection.

(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. (amend. - SG 80/15, in force from 16.10.2015; revoked – SG 101/15);
3. (amend. - SG 80/15, in force from 16.10.2015) a registration card to a foreigner for whom summary proceedings have been opened for provision of international protection – for a period of three months;
4. (amend. - SG 80/15, in force from 16.10.2015; amend. – SG 101/15) a registration card to a foreigner, for whom proceedings for consideration of their application for international protection have been opened – 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) (amend. – SG 101/15) Until the conclusion of the respective proceedings the term of validity of the registration card referred to in par. 1, item 1 and 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) (New – SG, 89/20) The refugee card shall certify the identity of the person and the right of its holder to reside on the territory of the Republic of Bulgaria for the period of its validity.

(2) (New, SG, 89/20) The card of a foreigner with humanitarian status shall certify the identity of the person and the right of its holder to reside on the territory of the Republic of Bulgaria for the period of its validity.

(3) (amend. and suppl. – SG, 52/07, former Para. 1 – SG, 89/20) 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.

(4) (Former Para. 2 – SG, 89/20) 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.

(5) (New – SG, 89/20) A foreigner with granted international protection, who has not submitted an application for issuance of new identity documents under Para. 1 and 2 in the cases and within the term under Art. 63a, Para. 2 of the Bulgarian Personal Documents Act, proceedings may be instituted for revocation or termination of granted international protection, if the foreigner does not provide evidence, that he has had objective reasons for non-fulfillment of his obligation

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 Act;
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. (amend. - SG 80/15, in force from 16.10.2015) current address and the area, determined by the Chairman of the State Agency for the refugees;
12. the grounds under this Act, 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. (amend. - SG 80/15, in force from 16.10.2015) languages they understand.

(3) (suppl. - SG 80/15, in force from 16.10.2015, amend. - SG 34/19) The foreigner's names in the registration card shall be entered as written in the document for traveling abroad or in any other identity document. When the foreigner does not hold such documents, his/her names shall be written as they are indicated in the declaration under Art. 30, par. 1, 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; amend. – SG 82/09) The conditions and the order of issuing and using the identification documents which are not stipulated by this section shall be determined by the Bulgarian Personal Documents Act.

## **Section V.**

### **Measures, applied towards foreigners seeking international protection (new – SG 80/15, in force from 16.10.2015)**

Art. 45a. (new – SG 80/15, in force from 01.01.2016) For the timely consideration of an application for international protection or for securing the participation of the foreigner seeking such protection, the Chairman of the State Agency for the Refugees or an official authorized thereby can order obligatory appearance of the foreigner every two weeks during the period of proceedings before an official from the Agency.

Art. 45b. (new – SG 80/15, in force from 01.01.2016) (1) Where the measure under Art. 45a cannot be applied effectively and after assessing the circumstances in a particular case, a foreigner seeking international protection can be accommodated temporarily and for a period as short as possible in a close-type center:

1. for establishing or verification of their identity or nationality;

2. for establishing of facts and circumstances based on which the application for international protection is filed, where this cannot be done in a different way and there is a risk that the foreigner can hide;

3. where this is required for the protection of national security or public order;

4. for establishing the state competent to consider the application for international protection and transferring of foreigner to the competent state, and where there is a serious risk that the foreigner can hide.

(2) A foreigner seeking international protection cannot be accommodated in a close-type center only on the grounds of a filed application for international protection.

Art. 45c. (new – SG 80/15, in force from 01.01.2016) (1) A foreigner seeking international protection shall be accommodated in a close-type center by a justified decision of the Chairman of State Agency for the refugees or of a person authorized thereby.

(2) The decision under par. 1 shall be taken upon assessment of pertinence of the foreigner to a vulnerable group.

(3) The decision under par. 1 shall be issued in writing and shall contain the actual and legal grounds for the accommodation, the procedure and term for appealing, as well as the possibility of providing free legal assistance and representation.

(4) A copy of the decision shall be served under the order of Art. 76.

(5) The decision of the body under Para. 1 may be appealed under the Administrative Procedure Code, where the appeal shall not suspend its execution. The court's decision shall be final.

Art. 45d. (new – SG 80/15, in force from 01.01.2016) (1) Accommodation in a close-type center shall continue until the withdrawal of the respective grounds under Art. 45b, par. 1.

(2) The director of a close-type center where a foreigner seeking international protection is accommodated, shall carry out a monthly inspection for the existence of the grounds for accommodation and shall report to the Chairman of the State Agency for the refugees or an official authorized thereby.

(3) The Chairman of the State Agency for the refugees or an official authorized thereby shall reconsider the decision for accommodation under Art. 45c, par. 1 in case of established new particulars and circumstances or upon request of a foreigner seeking international protection and shall adjudicate by a justified decision within 7 days.

(4) The decision under par. 3 can be appealed according to the provisions of the Code of Administrative Procedure, where the complaint shall not suspend its application. The Court decisions shall be final and binding.

(5) Non-finalization of proceedings within the terms laid down in this act for reasons not attributable to the foreigner seeking international protection cannot be a ground for continuation of the accommodation in a close-type center.

(6) Where by administrative or through legal proceedings it is found out that the accommodation in a close-type center is illegitimate, the foreigner shall be released immediately.

(7) Foreigners seeking international protection shall be transferred from one center to another only where necessary. In these cases the persons providing legal aid shall be notified.

Art. 45e. (new – SG 80/15, in force from 01.01.2016) (1) Foreigners seeking international protection accommodated in close-type centers, shall be entitled to:

1. access to open areas;

2. visits by their family members;

3. respect of their privacy and personal life;

4. meetings with persons providing legal aid and agency, representatives of non-profit legal entities and of international organizations;

5. information about the internal regulations of the respective center, and also about their rights and obligations; information shall be provided in a language understandable thereby.

(2) Limitation of the rights referred to in par. 1 shall be allowed only where this is relevant for the

provision of security, public order or administrative managing of the close-type center, provided that the access thereto is not considerably restricted or impossible.

(3) With regards to foreigners of a vulnerable group, accommodated in a close-type center, surveillance shall be carried out and if relevant suitable assistance shall be provided in view of their specific situation.

Art. 45f. (new – SG 80/15, in force from 01.01.2016) (1) Minor and underage foreigners seeking international protection can be accommodated in close-type centers only as a last-resort measure in view of protection of family integrity or for the provision of their protection and security, for a period as short as possible and with making every effort for their accommodation in places suitable for them.

(2) To minor and underage foreigners seeking international protection accommodated in centers of the State Agency for the refugees, access to education shall be provided as well as opportunity to be involved in activities in their free time, including in playing games and entertaining activities adequate for their age.

(3) Accommodation in centers of the State Agency for the refugees shall take place subject to compliance with the principle of family integrity protection.

(4) In centers of the State Agency for the refugees, foreigners seeking international protection, who are females, shall be accommodates separately from males, unless they are members of the same family or have given their consent thereto.

## **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; amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15) transit centres - for registration, accommodation, medical examination and carrying out proceedings for determination of the state, competent to consider the application for provision of international protection and of proceedings for provision of international protection shall be carried out, too;

2. (amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015) 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 for provision of international protection and of proceedings for provision of international protection; for accommodation of foreigners, having applied for granting asylum;

3. (revoked – SG 80/15, in force from 16.10.2015).

(3) (suppl. – SG 109/07, in force from 01.01.2008; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG 101/15) The transit and the registration receiving 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, the Chairman of State Agency "National Security" and the mayor of the respective municipality.

(4) (new – SG 80/15, in force from 16.10.2015) Centers under par. 2 can be of open or closed type.

In open-type centers separate stand-alone rooms for unattended minor and underage foreigners seeking international protection can be allocated, as well as separate stand-alone rooms or areas of a closed type.

(5) (prev. par. 4 – SG 80/15, in force from 16.10.2015) 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. (amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) provide, refuse, revoke and terminate international protection in the Republic of Bulgaria, deprive of temporary protection in cases referred to in Art. 17, Para. 5;

2. (amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) terminate the proceedings for providing of international protection;

3. take decisions on applications for reuniting of families;

4. (amend. – SG 80/15, in force from 16.10.2015) take decisions on other applications of the foreigners for whom proceedings for providing international protection or they have been provided with such protection 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. (amend. - SG 101/15, amend. - SG, 89/20) appoint officials from the State Agency for Refugees as interviewing bodies to perform the actions, provided for in this Act;

11. (amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) administer and distribute the resources of the budget, control their expedient spending; in coordination with the Minister of Finance and the Minister of Labor and Social Policy, shall determine the expenditure norms for assistance as part of the material conditions for admission of foreigners. seeking international protection, accommodated in the territorial divisions of the State Agency for Refugees.

(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; revoked – SG 101/15)

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; amend. – SG 101/15) The transit and the registration receiving centres shall be headed by directors.

(2) (new – SG 52/07; amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, amend. – SG, 89/20) The Directors of the transit and registration receiving centers shall take decisions under Art. 29, par. 4 and 9, except for the decisions for accommodation in close-type centers.

Art. 52. (amend. – SG 52/07; amend. and suppl. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) The chairman of the State Agency for the refugees can delegate his legal capacities under Art. 48, para 1, item 1 – 4 and 6 and in relation to the activities under Art. 53, item 12 with exception of the legal capacity to withdraw international protection 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; amend. – SG 80/15, in force from 16.10.2015, suppl. – SG, 89/20) organise the acceptance and the temporary accommodation of foreigners having applied for international protection, provide assistance for their adjustment to Bulgarian situation in co-operation with the Bulgarian Red Cross and other non-governmental organisations and shall organise Bulgarian language courses, including in cooperation with the Ministry of Education and Science;

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.(repealed – SG, 89/20);

4. (amend. – SG 52/07; amend. and suppl. – SG 80/15, in force from 16.10.2015, amend. - SG 34/19, amend. – SG, 89/20) in co-operation with the central bodies of the executive authority, the Bulgarian Red Cross and other non-governmental organizations organize the activities related to the provision of social, medical and psychological care for the foreigners having applied for international 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, amend. - SG 34/19) work out independently or participate in the preparation of draft normative acts and international agreements related to the protection of foreigners;

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, amend. – SG, 89/20) participate in the management and implementation of programs and projects co-financed by funds and programs of the European Union, the Financial Mechanism of the European Economic Area and the Norwegian Financial Mechanism or other financial sources and

donors;

13. (new – SG 52/07; amend. – SG 80/15, in force from 16.10.2015) on a regular basis provide to the European Commission information about the number of persons having filed applications for international protection and about the issued registration cards.

Art. 54. (1) (amend. – SG 80/15, in force from 16.10.2015) 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 international protection before the bodies of another country or before an international body for providing documents necessary for the realisation of their rights.

(2) (amend. – SG 80/15, in force from 16.10.2015) When, for objective reasons, a foreigner seeking or having received international 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. (revoked - SG 15/13, in force from 01.01.2014)

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) (revoked - SG 15/13, in force from 01.01.2014)

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; amend. – SG 80/15, in force from 16.10.2015) A foreigner can declare his wish for provision of international protection in person before an official of the State Agency for the refugees.

(4) (amend. – SG 52/07; suppl. – SG 101/15, amend. – SG, 89/20) 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 who carry out the registration under Art. 61a, para. 1 within 6 work days after the initial filing of the application.

(5) (new – SG 101/15) A foreigner, having stated a wish to apply for international protection shall be issued instructions regarding the application filing procedure.

(6) (new – SG 101/15) Where there are signs that a foreigner detained in detention places, special shelters for temporary accommodation of foreigners or staying at border check points, including in transit areas, can choose to file an application for international protection, they will be provided with information regarding the opportunity to do so. For this purpose translation shall be provided thereto for facilitating their access to the procedure.

(7) (amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015; prev. par. 5 – SG 101/15) A foreigner, enjoying temporary protection, shall have the right to file an application for provision of international protection.

(8) (amend. and suppl. – SG 52/07; amend. and suppl. – SG 80/15, in force from 16.10.2015; prev. par. 6, amend. – SG 101/15, amend. - SG 34/19) The applicant within 15 days after filing the application, shall be informed in writing in an understandable for them language, about the procedure to be followed and about his rights and obligations and about the consequences of non-compliance with its obligations or the refusal to cooperate with officials of the State Agency for Refugees as well as the consequences of the tacit or explicit withdrawal of his application. The applicant is also informed of the organizations, providing legal and social support to foreigners. Where the circumstances require so, this information can be provided also verbally.

(9) (New, SG, 89/20) An unaccompanied minor or a junior foreigner shall be notified immediately of the possibility to have an expert examination to determine his age.

(10) (revoked – SG 52/07; new – SG 109/07, in force from 01.01.2008; amend. – SG 80/15, in force from 16.10.2015; prev. par. 7, amend. – SG 101/15, former Para. 9 – SG, 89/20) Where an application for the provision of protection is received, the competent authorities shall obligatorily request a written opinion by the State Agency "National Security", which shall be taken into account for passing a judgment in the proceedings according to the general procedure. Opinion shall not be required in cases referred to in Art. 70.

Art. 59. (1) (amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015) The application for provision of international protection 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; amend. – SG 80/15, in force from 16.10.2015) The identification documents of the foreigner having applied for provision of international protection 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 Ministry of Interior Act 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) (amend. – SG 80/15, in force from 16.10.2015; suppl. – SG 101/15, repealed – SG, 89/20)

(3) (suppl. – SG 101/15, suppl. - SG 34/19, repealed – SG, 89/20)

(4) (Repealed – SG, 89/20)

(5) (new – SG 101/15, repealed – SG, 89/20)

(6) (new – SG 101/15 repealed – SG, 89/20)

Art. 61a. (New – SG, 89/20) (1) A foreigner, who has applied for international protection shall be registered with the State Agency for Refugees and a personal case is opened. The registration shall be carried out not later, than three working days after the submission of the application, unless the term under Art. 58, Para. 4 is applied.

(2) When there is a reasonable suspicion, that the foreigner is not a minor, or junior, the interviewing body shall appoint an expert to establish his age after the prior informed consent of the foreigner or his representative. The foreigner shall be provided with information on the method of conducting the expertise and the possible consequences from the result of consideration of the application for international protection, including in case of refusal to perform such expertise. The refusal of a foreigner to undergo an expert examination cannot be an independent ground for rejecting his application for international protection.

(3) If after the performance of the expertise under Para. 2, there are still doubts about the age of the applicant, it shall be assumed that the same is a minor.

(4) The expertise under Para. 2 shall be performed with full respect for human dignity, by choosing the least invasive ways for examination and shall be carried out by a qualified medical person, who shall enable to the greatest extent a reliable result.

(5) When there is a reasonable suspicion, that the foreigner cannot take care of his / her affairs due to dementia or mental illness, the interviewer shall appoint a psychiatric examination.

(6) When examining an application for international protection at the discretion of the interviewing authority, an opinion of an expert on certain issues, related to medical, psychological, cultural or religious aspects, with children or gender may be sought.

(7) The interviewing authority may request, that a medical examination of the foreigner is carried out with his or her consent in relation to traces, that may be from a past persecution or serious encroachment. The refusal of the foreigner to conduct a medical examination shall not be an obstacle to making a decision. The medical examination may also be conducted at the initiative of the foreigner and at his expense.

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) (amend. – SG 80/15, in force from 16.10.2015) The State Agency for the refugees shall have the right to collect data about the foreigners having filed an application for provision of international protection 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) (Amend. – SG, 89/20) Accurate and up-to-date information, related to the general situation in the foreigner's country of origin may be collected from a variety of sources, including foreigners themselves, Bulgarian or foreign authorities, natural or legal persons, the European Asylum Support Office, the High Commissioner for United Nations Refugee Organization, international human rights organizations.

(4) (amend. – SG 80/15, in force from 16.10.2015, amend. - SG, 89/20) It is not allowed to provide and / or disclose information to subjects, who are presumed to be persecuting or severely assaulting in relation to foreigners, seeking or receiving international protection, as well as information about the submitted application.

(5) (New – SG, 89/20) It is not permitted to collect information from subjects, who are alleged to be persecuting or severely assaulting foreigners, seeking or receiving international protection in a manner, that discloses information about the submission of an application or information, that may endanger the physical integrity of the applicant or his dependents, or the freedom and security of his family members, still living in his country of origin.

(6) (amend. - SG 17/19, former Para. 5 – SG, 89/20) The State Agency for the refugees shall create its own informational funds by an order determined by its chairman, in compliance with the requirements of the protection of personal data.

Art. 63a. (new – SG 52/07). (1) (amend. – SG 80/15, in force from 16.10.2015) Upon registration a date for holding an interview shall be set. The foreigner, having filed an application for provision of international protection, shall be notified in due time about the date of each subsequent interview.

(2) (amend. – SG 80/15, in force from 16.10.2015) The foreigner shall be obliged to present all evidences supporting their application for international protection prior to pronouncing thereon, whereas provided that he/she fails to present such, the pronouncing shall take place without those evidences.

(3) (amend. – SG 80/15, in force from 16.10.2015) An interview of the foreigner shall be held, of which audio- or audio-visual recording shall be made and a respective record shall be kept. Upon commencement of the interview the foreigner shall be advised of audio- or audio-video recording carried out. The record of the interview and the audio- or audio-visual recording are an integral part of foreigner's personal file.

(4) (New – SG, 89/20) During the interview, the applicant shall be given the opportunity to give explanations, related to incompleteness, inconsistencies or contradictions in his statements.

(5) (New – SG, 89/15, in force from 16.10.2015, former Para. 4 – SG, 89/20) ) The interviewing authority shall carry out additional interviews, if required, for the purposes of the respective proceedings.

(6) (prev. par. 4, amend. – SG 80/15, in force from 16.10.2015, former Para. 5 – SG, 89/20) A foreigner, having filed an application for international protection, 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.

(7) (prev. par. 5 – SG 80/15, in force from 16.10.2015; suppl. – SG 101/15 former Para. 6 – SG,

89/20) 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. In case of any doubt the interviewing authority shall be consulted by a doctor, in order to find out whether the condition because of which the foreigner cannot be interviewed is temporary or of a permanent nature.

(8) (prev. par. 6 – SG 80/15, in force from 16.10.2015 former Para. 7 – SG, 89/20) 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.

(9) (prev. par. 7 – SG 80/15, in force from 16.10.2015; suppl. – SG 101/15, former Para. 8, amend. – SG, 89/20) At the end of the interview, the record shall be read to the foreigner, who can comment on it and provide explanations, regarding translation errors or inaccurate statements. The protocol shall be signed by the foreigner, by the translator, respectively by the interpreter, and by the interviewing authority.

(10) (prev. par. 8 – SG 80/15, in force from 16.10.2015; suppl. – SG 101/15, former Para. 9 – SG, 89/20) 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. The refusal shall not be an obstacle for taking a decision on the application for international protection.

(11) (prev. par. 9 – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, former Para. 10, amend. – SG, 89/20) The legal representative and / or lawyer of the foreigner may be present during the interview and may state his / her views at the end of the interview. The absence of a lawyer shall not be an obstacle to conducting a personal interview.

(12) (new – SG 101/15, former Para. 11 – SG, 89/20) It is possible not to carry out an interview in cases where positive decision for providing of international protection under Art. 8, par. 9 and Art. 10 will be taken.

(13) (new – SG 101/15, former Para. 12 – SG, 89/20) Non-conducting of an interview subject to compliance with this article shall not be an obstacle for taking a decision on an application for international protection.

Art. 63b. (new – SG 101/15) An interview shall be carried out under conditions guaranteeing relevant confidentiality.

(2) At interviewing authority option, an interview of a foreigner seeking protection can be attended by their family member.

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; amend. – SG 80/15, in force from 16.10.2015, amend. - SG 17/19) The personal data of the foreigner, having become known during the proceedings for provision of international protection or after the provision of international protection shall be processed in the register of the State Agency for the refugees in compliance with the the requirements of the 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) (amend. – SG 80/15, in force from 16.10.2015) The provisions of the Foreigners in the Republic of Bulgaria Act shall apply regarding a foreigner for whom a decision for refusal, termination or revoking of international protection has been enacted, or regarding whom the proceedings have been terminated.

(2) (amend. – SG 52/07; suppl. – SG 97/16) The State Agency for the refugees shall inform in writing Chief Directorate "Border police" and Directorate "Migration" of the Ministry of Interior about the decision under para 1.

Art. 67. (1) (amend. – SG 52/07; amend. – SG 97/16) The compulsory administrative measures "withdrawal of the right of stay", "return", "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; amend. – SG 80/15, in force from 16.10.2015) The compulsory administrative measures under para 1 shall be revoked if the foreigner has been granted asylum or international protection.

(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 an international protection. Transfer (new – SG 52/07; title amend. – SG 80/15, in force from 16.10.2015)**

Art. 67a. (new – SG 52/07) (1) (amend. – SG 101/15) The proceedings under this section shall be carried out in compliance with Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ, L 180/31 of 29 June 2013), herein after referred to as "Regulation (EU) No. 604/2013", Regulation (EC) No.1560/2003 of the Commission of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No. 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, herein after referred to as "Regulation (EC) No. 1560/2003", Commission Implementing Regulation (EU) No. 118/2014 of the Commission of 30 January 2014 amending Regulation (EC) No. 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No. 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ, L 39/1 of 8 February 2014), herein after referred to as Implementing Regulation (EU) No. 118/2014 and Regulation (EU) No. 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ, L 180/1 of 29 June), herein after referred to as "Regulation (EU) No. 603/2013".

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

1. (amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, amend. – SG, 89/20) with an order of the interviewing authority in case of existing data of competency to consider the application for international protection by another European Union Member State;

2. (suppl. – SG 109/07, in force from 01.01.2008) upon giving notice to the Ministry of Interior and

to State Agency "National Security" about illegally residing on the territory of the Republic of Bulgaria foreigner;

3. (repealed – SG, 89/20).

(3) (amend. – SG 80/15, in force from 16.10.2015, repealed – SG, 89/20).

(4) (new – SG 101/15) The foreigner shall be advised of the instituted proceedings and of the consequences thereof.

Art. 67b. (new – SG 52/07) (1) (amend. – SG 80/15, in force from 16.10.2015) 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 provision of international protection.

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

(3) (new – SG 101/15) By instituting the proceedings under this section the terms referred to in Art. 70, par. 1 and Art. 75 shall stop elapsing until the determination of the competent European Union Member State for consideration of the application for international protection.

Art. 67c. (new – SG 52/07, amend. – SG, 89/20) After accomplishment of verification of evidences, sending a request for liability or for accepting and receiving a reply from the requested Member State of the European Union, the deciding authority shall:

1. take a decision, authorizing the transfer of the foreigner to the competent Member State of the European Union;

2. decide to refuse the transfer of the foreigner to the competent Member State of the European Union.

(2) The decision under Para. 1 shall be served according to Art. 76.

(3) In the cases under Para. 1, item 1 the foreigner shall enjoy the rights under Art. 29, Para. 1, items 1, 2, 3 and 8 until the transfer is carried out to the competent Member State.

Art. 67d. (new – SG 52/07, amend. – SG, 89/20) (1) The State Agency for Refugees, together with the relevant authority of the State, responsible for examining the application, shall determine the place, date and time of arrival of the foreigner on its territory.

(2) The transfer of the foreigner shall be carried out in execution of the decision under Art. 67c, Para. 1, item 1.

(3) Where the transfer has not taken place, the State Agency for Refugees shall set a new transfer date with the relevant authority of the State, responsible for examining the application.

Art. 67e. (new – SG 52/07, amend. – SG, 89/20) (1) Upon receipt of a request for taking of responsibility or for the readmission of a foreigner from another Member State of the European Union, and after verification of the evidence, the deciding authority shall send a reply to the requesting State.

(2) When it is established, that the Republic of Bulgaria is the competent state for examining the application for international protection of a foreigner, the State Agency for Refugees, together with the relevant authority of the sending state shall determine the place, date and time of arrival of the foreigner. The transfer of the foreigner to the Republic of Bulgaria shall be carried out within the terms, provided for in Regulation (EU) № 604/2013.

(3) In the cases under Para. 2, the State Agency for Refugees shall notify the Ministry of Interior, that a foreigner, whose proceedings for granting international protection have ended with an effective decision for refusal will be admitted on the territory of the Republic of Bulgaria.

Art. 67f. (new - SG 52/07; suppl. – SG 109/07, in force from 01.01.2008, amend. – SG, 89/20) (1) When a foreigner is admitted to the territory of the Republic of Bulgaria in accordance with a positive response to a request for liability, Art. 68, Para. 2 shall apply.

(2) When a foreigner is admitted to the territory of the Republic of Bulgaria in accordance with a positive response to a request for readmission, Art. 77, Para. 3 shall apply.

Art. 67g. (new – SG 52/07, repealed – SG, 89/20)

Art. 67h. (new – SG 52/07, repealed – SG, 89/20)

Art. 67i. (new – SG 52/07, amend. – SG, 89/20) The expenses, related to foreigner's transfer to the place of arrival in the state, competent to consider the application shall be covered by the Republic of Bulgaria.

Art. 67j. (new – SG 52/07, suppl. – SG, 89/20) The Council of Ministers shall adopt an Ordinance on the responsibility and coordination of state bodies, carrying out actions in administrative cooperation, related to this section application.

## **Section II.**

### **Proceedings for provision of international protection (Title amend – SG 101/15, amend. – SG, 89/20)**

## **Section II.**

### **General Proceedings (Title amend – SG 101/15)**

## **Section II.**

### **Summary Proceedings**

Art. 68. (amend. – SG 52/07) (1) (amend. – SG 101/15, amend. – SG, 89/20) The proceedings for provision of international protection shall be instituted:

1. upon registration of a foreigner under a filed thereby application for international protection;
2. for a foreigner having filed an application for international protection with effective temporary protection – upon registration of the foreigner following termination or withdrawal of temporary protection.

(2) (amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, amend. – SG, 89/20) When the Republic of Bulgaria has taken responsibility according to Regulation (EU) No. 604/2013, Regulation (EC) No. 1560/2003 and Regulation (EU) No. 118/2014, the proceedings under this Section shall be instituted upon the registration of the foreigner with the State Agency for Refugees after his/her transmission.

(3) (amend. – SG 80/15, in force from 16.10.2015; revoked – SG 101/15)

Art. 69. (revoked – SG 52/07).

Art. 70. (amend. – SG 52/07) (1) (amend. – SG 101/15, amend. – SG, 89/20) Where there are existing grounds under Art. 13, Para. 1 within 14 work days after foreigner's registration the interviewing authority may apply an accelerated procedure with taking a decision for rejection of the application as apparently ungrounded.

(2) (revoked – SG 101/15).

(3) (amend. – SG 101/15) In cases under Art. 68, par. 2 term under par. 1 shall start elapsing from the time of receipt of documents accompanying the foreigner.

(4) (Amend. – SG, 89/20) The term under Para. 1 shall stop running until the receipt of the expert conclusion under Art. 61a, Para. 2 or 5.

(5) (amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) The lack of sufficient information due to non-holding an interview under Art. 63a, Para. 7 cannot be an individual ground for rejecting the application.

(6) (amend. – SG 101/15) The decision under par. 1 shall be served pursuant to the provisions of Art. 76.

Art. 71. (1) (Prev. Art. 71 – SG 31/05; amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, amend. – SG, 89/20) Accelerated procedure shall not apply regarding a non-accompanied minor or underage foreigner having filed an application for international protection.

(2) (new – SG 31/05; amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, amend. – SG, 89/20) Accelerated procedure shall not be carried out when the application for provision of international protection has been filed by a foreigner enjoying temporary protection.

(Section III. Proceedings by the general order - deleted, SG 101/15)

Art. 72. (amend. - SG 52/07; amend. – SG 80/15, in force from 16.10.2015; revoked – SG 101/15)

Art. 73. (amend. SG 31/05; amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15) Applications for granting a status shall be considered by the State Agency for Foreigners individually, fairly and objectively, whereas a consideration for provision of a refugee status 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. (1) (amend. – SG 52/07; amend. – SG 101/15, former text of Art. 74, amend. – SG, 89/20) Within 4 months from the institution of the proceedings for provision of international protection, the interviewing body shall work out a statement objectively and fairly, which, together with the personal file, shall be presented to the chairman of State Agency for the Refugees for taking a decision.

(2) (New, SG, 89/20) At the request of the interviewing body, the chairperson of the State Agency for Refugees may extend the term under Para. 1 by not more than 9 months in the following cases:

1. in case of complex factual and / or substantive legal issues;

2. when a large number of foreigners simultaneously seek international protection, which makes it difficult to make a decision.

(3) (New, SG, 89/20) The foreigner shall be notified about the reasons and the term in person or by a notice with a return receipt.

Art. 75. (1) (amend. – SG 52/07; amend. – SG 101/15, amend. – SG, 89/20) Within 6 months for institution of proceedings for provision of international protection, the chairman of the State Agency for the Refugees shall take a decision by which:

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

(2) (amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015; suppl. – SG 101/15) For pronouncement on the application for international protection all relevant facts, statements or documents, related to applicant's personal situation shall be assessed, and also their state of origin or the opportunity of enjoying protection of another country, the nationality of which they can obtain, including whether the applicant has exercised activities, the sole purpose of which has been obtaining international protection. Non-appearing for an interview shall be taken into account for the pronouncement on the application, unless the foreigner has got objective reasons thereof.

(3) (new – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) Where applicant's statements are not supported by evidences, they shall be deemed valid, if they have made efforts to substantiate their application, have provided satisfactory explanation about the lack of evidences and their statement are regarded as non-contradictory and credible. The lack of sufficient data for persecution, including due to non-holding an interview pursuant to Art. 63a, Para. 7, cannot be a reason for refusal of provision of international protection.

(4) (revoked – SG 52/07; prev. par. 3 – SG 80/15, in force from 16.10.2015; amend. – SG 101/15, repealed – SG, 89/20)

(5) (revoked – SG 52/07; new – SG 101/15) The maximum term for pronouncement on the application for international protection shall be 21 months from the date of its filing.

Art. 76. (1) (amend. – SG 80/15, in force from 16.10.2015; suppl. – SG 101/15, amend. – SG, 89/20) The decision of the chairman of the State Agency for the Refugees shall be presented to the foreigner seeking international protection or to their legal representative or attorney. The contents of the decision, as well as the rights and obligations ensuing from it shall be announced to him in a language he can understand.

(2) (amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) The presentation shall be certified by the signatures of the foreigner and of the translator, respectively of the interpreter and of the official. 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 III.**

#### **Procedure of preliminary consideration of a subsequent application for international protection (new – SG 101/15)**

### **Section III.**

#### **Proceedings by the general order**

Art. 76a. (new – SG 101/15, amend. – SG, 89/20) Before proceeding to consideration by merits of a subsequent application for international protection, its admissibility shall be assessed according to Art. 13, Para. 2.

Art. 76b. (new – SG 101/15) (1) (Suppl. – SG, 89/20) Within 14 working days after the filing of the subsequent application for international protection the interviewing authority based only on written proofs provided by the foreigner, without conducting a private interview, shall take a decision by which:

1. they allow the subsequent application to proceedings for provision of international protection;
2. do not allow the subsequent application to proceedings for provision of international protection.

(2) For applications filed according to the provision of Art. 58, par. 4 the term under par. 1 shall start elapsing after the receipt of the application in the State Agency for Foreigners.

(3) If within the term under par. 1 no decision is taken, the subsequent application for international protection shall be deemed allowed to proceedings for the provision of international protection.

(4) The decisions under par. 1 shall be handed over according to the provision of Art. 76.

(5) A foreigner having filed a subsequent application for international protection shall be registered within three work days after allowing their application to proceedings for provision of international protection.

Art. 76c. (new – SG 101/15) (1) (Amend. – SG, 89/20) In carrying out of the procedure under this Section, foreigners enjoy the rights under Art. 23, par. 1, Art. 29, par. 1, item 8 and Art. 29a.

(2) In carrying out of the procedure under this Section the rights under Art. 29, par. 1, item 1 shall not be granted to a foreigner where:

1. (amend. – SG 97/16) they are filing a first subsequent application for international protection only in order to delay or to prevent the execution of the applied enforcement administrative measure of “withdrawal of the right of stay in Republic of Bulgaria”, “return” or “expulsion”, or

2. they file another subsequent application for international protection, and the previous subsequent application has been considered inadmissible according to the provision of Art. 76b, par. 1, item 2 or has been considered by the merits and for whom returning to their country of origin or to a third safe country will not endanger their life or freedom on the grounds of a race, religion, nationality, political views or affiliation with a specific social group or exposure to a risk of torture or other forms of cruel, unhuman or humiliating attitude or punishment.

(3) The rights under Art. 29, par. 1, items 3 – 7 shall not be granted to a foreigner who in in a procedure of preliminary consideration of a subsequent application for international protection.

### **Section IV.**

#### **Termination and resuming the proceedings for provision of international protection. Proceedings for revoking and termination of provided international protection (title amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20)**

#### **Section IV.**

#### **Suspending and termination of the proceedings for provision of international protection. Proceedings for revoking and termination of provided international protection (title amend. – SG 52/07; amend. – SG 80/15, in force from 16.10.2015)**

Art. 77. (Amend. – SG 89/20) (1) When the grounds under Art. 15, Para. 1 are present, the chairman of the State Agency for Refugees shall take a decision for termination of the proceedings for granting international protection.

(2) Proceedings terminated on any of the grounds under Art. 15, Para. 1, items 1 - 4, shall be considered renewed, if the foreigner appears within 9 months from the termination and wishes his / her application for protection to be considered. Proceedings may only be resumed once.

(3) In the cases of readmission under Art. 67e, Para. 2, the proceedings shall be considered resumed when the foreigner requests the consideration of his / her application to be completed. The examination of the application shall be resumed from the stage, at which the proceedings were terminated.

Art. 78. (amend. – SG 52/07) (1) (Amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) The procedure for withdrawal or termination of granted international protection shall be initiated in the presence of new data, which give grounds for reconsideration of granted refugee status or humanitarian status.

(2) (Amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) The foreigner shall be advised by an acknowledged receipt letter about the instituted proceedings, the 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 international protection.

(3) (Amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) The foreigner shall be notified that if he / she is unable to attend the forthcoming interview in person, he / she may send a written objection within the term, determined by the administrative body and to the indicated address.

(4) (Amend. - SG, 80/15, in force from 16.10.2015, amend. - SG, 89/20) When conducting the proceedings for revocation or termination of international protection, Art. 63, and 63a shall apply.

(5) (amend. – SG 80/15, in force from 16.10.2015) 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 international protection. 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) (new - SG 103/16) When new data, giving grounds for revoking or termination of the provided international protection, contain serious reasons to assume that the foreigner was or is involved in terrorism, the term for taking the decision by the chairman of the State Agency for the Refugees shall be up to one month from the instituting the procedure.

(7) (amend. – SG 80/15, in force from 16.10.2015, prev. para 6 - SG 103/16) When no reasons for revoking or termination of the international protection have been found, the Chairman of the State Agency for Refugees shall terminate the proceedings.

Art. 79. (amend. – SG 52/07) (1) (amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) The provided international protection may also be terminated upon a request of the foreigner.

(2) (Repealed – SG, 89/20).

(3) (Repealed – SG, 89/20).

(4) (amend. – SG 80/15, in force from 16.10.2015) Within one month from filing of the application

the Chairman of the State Agency for Refugees shall take a decision by which the international protection is terminated.

Art. 79a. (new – SG 52/07, amend. – SG, 89/20) The decisions under this Section shall be served pursuant to Art. 76.

## **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) (Amend. – SG, 89/20) The chairman of the State Agency for Refugees shall revoke temporary protection of a foreigner in cases of Art. 17, Para. 5. For revoking the provisions of Art. 78 shall apply and the decision shall be served pursuant to Art. 76.

(3) (amend. – SG 80/15, in force from 16.10.2015) After termination or revoking of temporary protection, with regard to the foreigner, unless he/she has filed an application for provision of international protection, the provisions of the Foreigners in the Republic of Bulgaria Act 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) (amend. – SG 101/15, amend. – SG, 89/20) The decisions under Art. 67c, Para. 1 may be appealed within 7 days from its presentation before the Administrative court of Sofia city, through the body, having issued the decision.

(2) (amend. – SG 101/15, amend. – SG, 89/20) The decision under Art. 51, Para. 2, Art. 70, Para. 1, Art. 76b, Para. 1, item 2 and Art. 77, Para. 1 may be appealed within 7 days after their serving before the administrative court by present address, indicated in the foreigner's registration card.

(3) (New, SG, 89/20) The decisions under Art. 34, Para. 3, Art. 39a, Para. 2, Art. 75, Para. 1, items 2 and 4 and Art. 82, Para. 2 may be appealed within 14 days from their delivery before the Administrative Court at the present address in the registration card of the foreigner.

(4) (New, SG, 89/20) The decision under Art. 78, Para. 5 may be appealed within 14 days from its delivery before the Administrative Court at the permanent address of the foreigner.

(5) (New, SG, 89/20) The appeal shall be filed through the body, that issued the decision and shall suspend its execution.

(6) (New, SG, 89/20) Upon appeal of the decision under Art. 76b, Para. 1, item 2 the court shall rule at the request of the foreigner or ex officio, regarding the right of the asylum seeker to remain on the territory of the country until the ruling on the appeal.

(7) (Former Para. 3 – SG, 89/20) The appeal, filed after the deadline shall be returned to the sender against a receipt. When the return is made by a letter with a return receipt and the letter is returned to the State Agency for Refugees due to impossibility of delivery, the appeal shall be attached to the personal file of the foreigner.

(8) (amend. – SG 101/15, former Para. 4, amend. – SG, 89/20) The complaint and a certified copy of the foreigner's personal file shall be forwarded to the court immediately.

(9) former Para. 5, amend. – SG, 89/20) The court shall constitute the case within three days from the receipt of the appeal.

Art. 85. (1) (amend. - SG 30/06, in force from 01.03.2007, amend. – SG, 89/20) 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. The parties must be subpoenaed not later than three days before the session.

(2) (Amend. and suppl. – SG 52/07; amend. – SG 101/15, repealed – SG, 89/20).

(3) (Amend. – SG, 89/20) The decisions of the Administrative Court under Art. 84, Para. 1 and 2 shall not be subject to cassation appeal.

(4) (amend. - SG 30/06, in force from 01.03.2007, amend. – SG, 89/20) The decision of the

Administrative Court under Art. 84, Para. 3 shall be subject to cassation appeal.

(5) (New, SG, 89/20) When the Administrative Court annuls the appealed decision of the administrative body and returns the file with obligatory instructions for a new ruling on the application for protection and has not set a deadline for issuing, the new administrative act, the chairman of the State Refugee Agency shall be obliged to take a new decision within three months.

Art. 86. (amend. - SG 30/06, in force from 12.07.2006; revoked – SG 52/07; new – SG 101/15, amend. – SG, 89/20). The decisions under Art. 75, Para. 1, items 1 and 3, and Art. 76b, Para. 1, item 1 shall not be subject to appeal.

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

Art. 87. (amend. – SG 52/07; amend. – SG 39/11; suppl. – SG 80/15, in force from 16.10.2015, repealed – SG, 89/20)

Art. 88. (Repealed – SG, 89/20)

Art. 89. (amend. – SG 39/11, repealed – SG, 89/20)

Art. 90. (Repealed – SG, 89/20)

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 Act 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 Administrative Violations and Penalties Act.

Art. 95a. (new – SG 97/16, amend. - SG 34/19) (1) Breaches of Art. 30, para. 1, item 11 shall be established by the bodies of the Ministry of Interior with a statement of findings prepared in three copies - for the relevant structure of the Ministry of Interior, for the State Agency for Refugees and for the foreigner himself/herself.

(2) In the event of a second violation of Art. 30, para. 1, item 11 the foreigner seeking protection is accommodated in a penitentiary-type center or premise until the conclusion of the proceedings under this Act with an enforced decision.

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

Art. 96 (new – SG 52/07; revoked – SG 101/15).

Art. 97 (new – SG 52/07; revoked – SG 101/15).

Art. 98. (new – SG 52/07) (1) (amend. – SG 101/15) The Chairman of the State Agency for Refugees, in coordination with the Minister of Foreign Affairs can, where necessary submit for approval by the Council of Ministers national lists of safe countries of origin and of safe third countries.

(2) (amend. – SG 101/15) For adoption of the lists the Council of Ministers, referring to information sources from other European Union Member States, from the European Support Service in the field of asylum, High Commissioner of the United Nation Organization for Refugees, Council of Europe and other international organizations, shall take into account the level, to which the state offers protection against persecution and unhuman or humiliating attitude through:

1. respective regulatory and secondary regulatory provisions adopted acts in this field and the way they are applied;

2. observance of rights and freedoms, guaranteed in the Convention on protection of human rights and fundamental freedoms, made in Rome on 4 November 1950 (ratified by an act – SG 66/92) (prom. SG 80/92; amend. – SG 137/98 and SG 38/10) or in the International Covenant on Civil and Political Rights, made in New York on 19 December 1966 (ratified by a Decree – SG 60/70) (SG 43/76) or in the Convention against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the United Nations General Assembly on 10 December 1984 (ratified by a Decree – SG 80/86) (prom. SG

42/88, amend. – SG 19/95);

3. compliance with the principle of prohibition of return according to 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; amend. – SG 80/15, in force from 16.10.2015; amend. – SG 101/15) A foreigner having filed an application for international protection, can disprove the safety presumption of the state included in the list under Art. 98.

### **Additional provisions**

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

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. (amend. – SG 80/15, in force from 16.10.2015) "Foreigner seeking support" is the one who has expressed his wish to receive protection according to this Act 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;

d) (new – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) the parents, guardian or trustee of the unmarried minor, who has been granted international protection.

4. (amend – SG 89/20) "Unaccompanied" is that minor or underage foreigner staying on the territory of the Republic of Bulgaria and not accompanied by his parent, guardian or trustee.

5. (amend. – SG 80/15, in force from 16.10.2015) "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, paragraph 1 of Directive 2011/95/EC of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ, L 337/9 of 20 December 2011).

6. (amend. – SG 80/15, in force from 16.10.2015, amend. – SG, 89/20) "Subsequent application" is an application for provision of international protection in the Republic of Bulgaria, filed by the foreigner after having got a terminated or withdrawn international protection or proceedings for provision of international protection in the Republic of Bulgaria has been closed with an enforced decision for rejection of the application.

7. (amend. – SG 80/15, in force from 16.10.2015) "Country of origin" is the country or countries a citizen of which the foreigner is or for stateless persons - of the state of their 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. (amend. – SG 80/15, in force from 16.10.2015) "Third safe country" is a country different from the country of origin, where the foreigner, having filed an application for international protection, has resided and:

a) (amend. – SG 80/15, in force from 16.10.2015) 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;

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

c) (amend. – SG 101/15) is not exposed to danger of persecution or a severe abuse, such as torture, inhuman or degrading treatment or punishment;

d) (amend. – SG 80/15, in force from 16.10.2015) there is a possibility to claim a refugee status and upon granting it to enjoy international protection as a refugee;

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

10. (new – SG 80/15, in force from 16.10.2015) "Application for international protection" is an addressed request for protection by a foreigner to Republic of Bulgaria.

11. (new – SG 80/15, in force from 16.10.2015) "Child's best interest" is a term within the meaning of § 1, item 5 of the Supplementary provisions of the Child Protection Act.

12. (new – SG 80/15, in force from 16.10.2015) "Open type center" is a territorial unit of the State Agency for the refugees with a free regime.

13. (new – SG 80/15, in force from 16.10.2015) "Close type center" is a territorial unit of the State Agency for the refugees where the right of free movement of foreigners accommodated therein, seeking international protection is restricted.

14. (new – SG 80/15, in force from 16.10.2015; amend. – SG 97/16) "Area" is an administrative area determined by an act of the Council of Ministers upon proposal by the Chairman of the State Agency for the refugees which a foreigner seeking international protection cannot leave and which gives enough opportunities for movement guaranteeing exercising of the rights under this Act.

15. (new – SG 80/15, in force from 16.10.2015) "Serious risk of finding a shelter by a foreigner" is present where in view of actual information a grounded supposition can be made that the foreigner will try to find a shelter. Such information can be present where the foreigner: cannot be found at the authorized address, they have left without permission the determined area or accommodation center, they have failed to appear without reasonable excuse before an official from the State Agency for the Refugees in fulfillment of an applied measure under Art. 45a, has violated the ban to leave the border zone, has made an attempt to leave or has left the country, and other information.

16. (new – SG 80/15, in force from 16.10.2015) "A foreigner seeking international protection with special needs" is a person from a vulnerable group needing special guarantees in order to enjoy the rights and to fulfill their obligations under this act.

17. (new – SG 80/15, in force from 16.10.2015) "Persons from a vulnerable group" are minor or under-age individuals, unaccompanied minor and underage individuals, people with disabilities, elderly people, expecting women, single parents with children under the full legal age, victims of people trafficking, people with severe health problems, persons with mental disorders and persons having suffered torturing, raping or other severe forms of mental, physical or sexual violence.

18. (New, SG, 89/20) "Refugee status" means the recognition by the Republic of Bulgaria of a third-country national or a stateless person as a refugee.

19. (New, SG, 89/20) "Humanitarian status" means the recognition by the Republic of Bulgaria of a third-country national or a stateless person as a person, who meets the conditions for granting humanitarian status.



§ 1a. (new – SG 52/07) This Act 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 Act shall enter into force six months after its promulgation in the State Gazette and revokes the Refugees Act (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 Act 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 Bulgarian Personal Documents Act (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 Asylum and Refugees Act".

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 Asylum and Refugees Act;"

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 Asylum and Refugees Act 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 Asylum and Refugees Act 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 Foreigners in the Republic of Bulgaria Act (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 Asylum and Refugees Act" 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 Civil Registration Act (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 Employment Promotion Act (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 Bulgarian Red Cross Act (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 Asylum and Refugees Act;"

§ 11. The following amendments and supplements are introduced to the Health Insurance Act (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 Bulgarian Citizenship Act (prom., SG 136/98; amend., SG 41/01) after the word "refugee" is added "or asylum".

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

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The Act 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 ACT AMENDING AND SUPPLEMENTING THE ASYLUM AND REFUGEES ACT**

(PROM. – SG 52/07)

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

§ 86. Within one month after entering of this Act 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 Act 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.

### **Transitional and concluding provisions**

#### **TO THE STATE AGENCY FOR NATIONAL SECURITY ACT**

(PROM. - SG 109/07, IN FORCE FROM 01.01.2008)

§ 44. The Act shall enter into force from 1 January 2008.

### **Transitional and concluding provisions**

## **TO THE PUBLIC FINANCE ACT**

(PROM. SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

## **Transitional and concluding provisions TO THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

## **Concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING ASYLUM AND REFUGEES ACT**

(PROM. – SG 80/15, IN FORCE FROM 16.10.2015)

§ 76. The Act introduces the provisions of Directive 2011/95/EC of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted and of the provisions of Directive 2013/33/EC of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (OJ, L 180/96 of 29 June 2013).

## **Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING ASYLUM AND REFUGEES ACT**

(PROM. – SG 80/15, IN FORCE FROM 16.10.2015)

§ 83. The Act shall enter into force on the day of its promulgation in State Gazette, except for § 40, which shall enter into force on 1 January 2016.

## **Additional provisions TO THE ACT AMENDING AND SUPPLEMENTING ASYLUM AND REFUGEES ACT (SG 54/02)**

(PROM. – SG 101/15)

§ 36. This Act shall introduce the requirements of Directive 2013/32/EU of the European

Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ, L 180/60 of 29 June 2013).

### **Transitional provisions**

#### **TO THE ACT AMENDING AND SUPPLEMENTING ASYLUM AND REFUGEES ACT (SG 54/02)**

(PROM. – SG 101/15)

§ 37. The proceedings initiated before the entering of this act into force shall be finalized following the existing procedure.

### **Transitional and concluding provisions**

#### **TO THE LABOR MIGRATION AND LABOR MOBILITY ACT**

(PROM. - SG 33/16, IN FORCE FROM 21.05.2016)

§ 8. This act shall enter into force on 21 May, 2016, except for Section VIII of Chapter Two, which shall enter into force on 1 January, 2017.

### **Transitional and concluding provisions**

#### **TO THE ACT AMENDING AND SUPPLEMENTING THE BULGARIAN PERSONAL DOCUMENTS ACT**

(PROM. - SG 101/16, IN FORCE FROM 20.12.2018)

§ 21. The Act shall enter into force on 1 of January 2018, except for § 12, 13, 16, 19 and 20, which shall enter into force from the day of the promulgation of this Act in the State Gazette.

### **Transitional and concluding provisions**

#### **TO THE SOCIAL SERVICES ACT**

(PROM. - SG 24/19, IN FORCE FROM 01.07.2020, AMEND. REGARDING THE ENTRY INTO FORCE – SG 101/19)

§ 45. (Amend. - SG 101/19) This Act shall enter into force on July 1st, 2020, with the exception of:

1. paragraph 6, item 5, letter "a", § 7, item 2, letters "a" and "b", item 3, item 6, letter "a", items 9 and 10; § 18, item 2 in the section on "medical-social care homes for children under the Medical Establishments Act" and § 20, item 2 in the section concerning the deletion of the words "and the homes for medical and social care for children", and item 5, letter "c", which shall enter into force on January 1st, 2021;

2. paragraph 3, item 4, letter "f", "g" and "h" and § 28, item 1, letter "a", items 2 and 5, which shall enter into force on January 1st, 2019.

3. Art. 22, Para. 4, Art. 40, Art. 109, Para. 1, Art. 124, Art. 161, Para. 2, § 3, item 6, § 30, 36, 37 and 43, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

**Additional provisions**

**TO THE ACT, AMENDING AND SUPPLEMENTING THE ASYLUM AND REFUGEES ACT**

(PROM. – SG, 89/20)

§ 54. This Act introduces the requirements of Directive 2013/32 / EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180/60, 29 June 2013) and of Directive 2013/33 / EU of the European Parliament and of the Council of 26 June 2013, laying down standards for the admission of applicants for international protection (OJ L 180/96, 29 June 2013).

**Transitional and concluding provisions**

**TO THE ACT, AMENDING AND SUPPLEMENTING THE ASYLUM AND REFUGEES ACT**

(PROM. – SG, 89/20)

§ 55. The proceedings, started before the entry into force of this Act shall be completed according to the existing procedure.

.....

§ 57. The Ordinance under Art. 67k shall be brought in compliance with the provisions of this Act within 6 months from its entry into force.

**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