

ANNUAL REPORT

ON BORDER
MONITORING

BULGARIA 2021



25 MAY 2021

NATIONAL BORDER MONITORING FRAMEWORK

Memorandum of Understanding

The Tripartite Memorandum of Understanding (MoU) on Modalities of Mutual Cooperation and Coordination to Support the Access of Persons Seeking Protection to the Territory of, and the Procedure for Granting Protection was signed on 14 April 2010 by UNHCR, BHC and GDBP within the MoI. The Memorandum sets out coordination and cooperation mechanisms for the monitoring and support of persons seeking access to the territory and to the asylum procedure in the Republic of Bulgaria.

Tripartite working group

The Tripartite Working Group (TWG) comprised of representatives of UNHCR, BHC and GDBP has been established to supervise the implementation of the MoU and provide analysis of the border monitoring reports taking in consideration the State's primary responsibility of ensuring that persons in need of international protection would have access to the territory and asylum procedure in line with assumed obligations under international refugee legislation. TWG meets at least three times per year.

The report is drafted following Article 4.2, Section IV of the TWG Internal Rules of Procedure.



Monitoring methodology

According to the MoU, the parties have access to any national border and/or 24-hour detention facility at the land or air border, including transit halls at international airports, without limitation to the number of monitoring visits. Access to monitoring shall be granted to monitors without prior permission or conditions set regarding time, frequency, duration or individual circumstances related to the particular detainee/s (Art. 15 of the MOU). UNHCR and BHC continued to carry out the border monitoring activities under the MoU and the identified protection gaps were addressed during the meetings of the TWG.

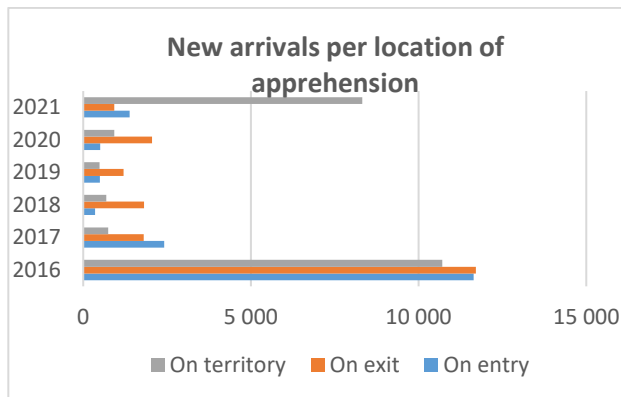
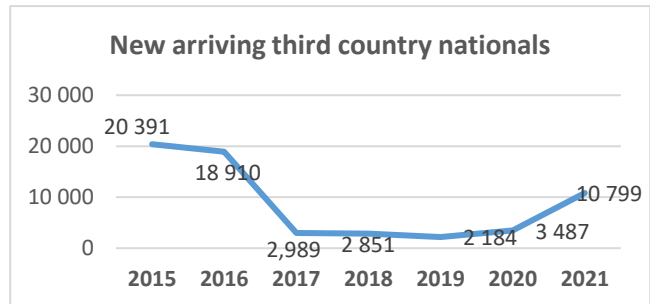
In 2021 BHC conducted 546 border monitoring visits on the Bulgarian-Turkish border.

ACCESS TO THE TERRITORY IN THE CONTEXT OF MIXED MIGRATION

General context

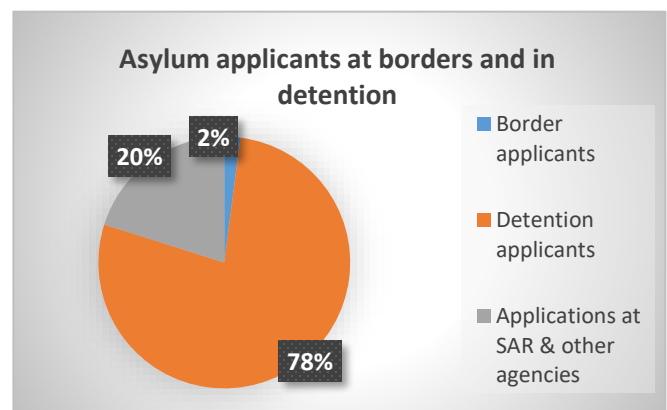
In 2021 the migratory pressure increased even more significantly.

The MOI have reported 10 799 new arrivals by third country nationals, the majority of whom were from the Middle East. The statistics indicated an increase by 210% compared to 2020 when 3487 refugees and migrants entered irregularly the borders of Bulgaria.



Out of total 10799 third country nationals, apprehended by the different police authorities, 13% or 1386 individuals were stopped at entry borders, 10% or 924 individuals were stopped on exit and 77% or 8316 individuals within the country's territory.

Out of all 10799 new arrivals altogether 100% applied for asylum, of whom 2% or 221 individuals at national borders, 78% or 8495 individuals in the immigration detention centers and 20% or 2173 individuals at the asylum agency or other government authorities.

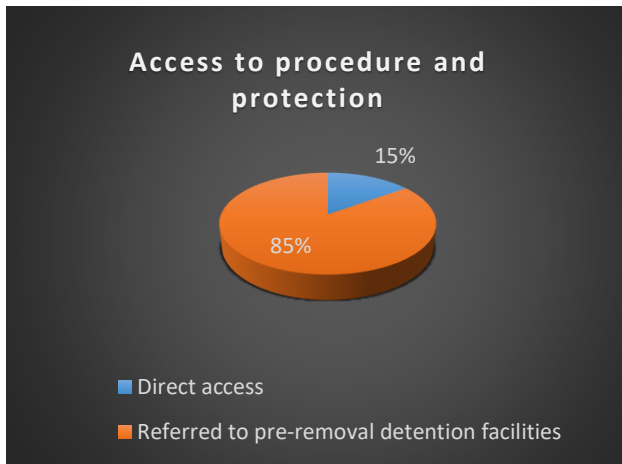
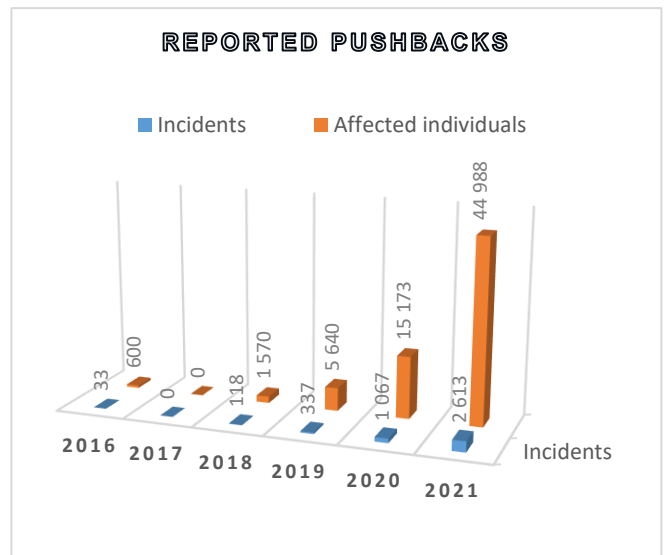


ACCESS TO THE TERRITORY IN THE CONTEXT OF MIXED MIGRATION

Situation on entry

No border arrangements exist for a differentiated approach towards migrants and refugees in order the latter to be guaranteed access to territory.

The national border monitoring registered alleged 2613 pushback incidents, which affected 44,988 individuals.



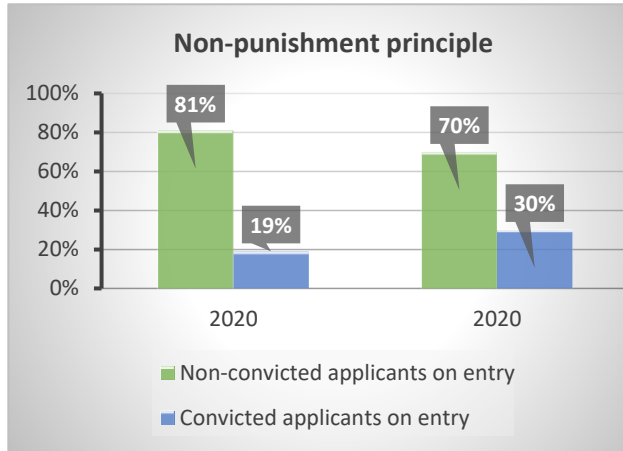
Just 221 asylum seekers managed to register their applications before the Border police. Altogether 2000 asylum seekers apprehended at the border, 53% (1065 individuals) on entry, while 48% (935 individuals) – on exit, were transferred and detained in pre-removal facilities (SHTAF).

Just 15% or 34 border applicants have been granted direct access to asylum procedure without detention. The rest 85% or 187 border applicants were transferred and detained to the pre-removal facilities of the MOI (SHTAF).

In 2021 just 15% of the asylum applicants at entry borders had a direct access to procedure without detention.

ACCESS TO THE TERRITORY IN THE CONTEXT OF MIXED MIGRATION

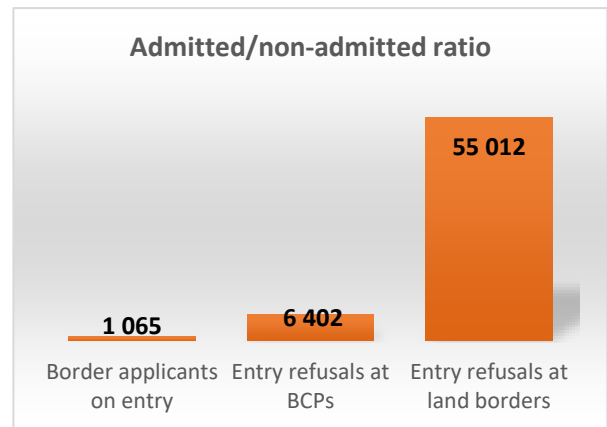
Situation on entry



Altogether 30% or 67 out of 221 border applicants on entry and exit were convicted for their irregular entry the violation of the *non-punishment principle* of Article 31 of the Geneva Convention.

It represented an increase in comparison with 10% convicted during the previous 2020.

The MOI have reported to have prevented 55,012 entry attempts along the land borders, 201 of which were prevented by the neighbor border police services. Additional 6402 official entry refusals (non-admissions) were issued to third country nationals at the border crossing points.

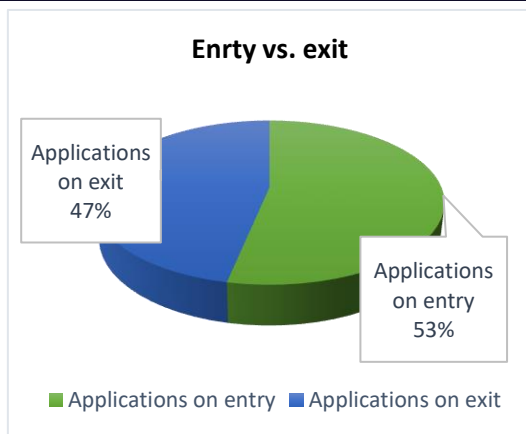


Prevented entries exceed six fold the number of registered asylum applications and by 60 times the number of the registered border applicants.

ACCESS TO THE TERRITORY IN THE CONTEXT OF MIXED MIGRATION

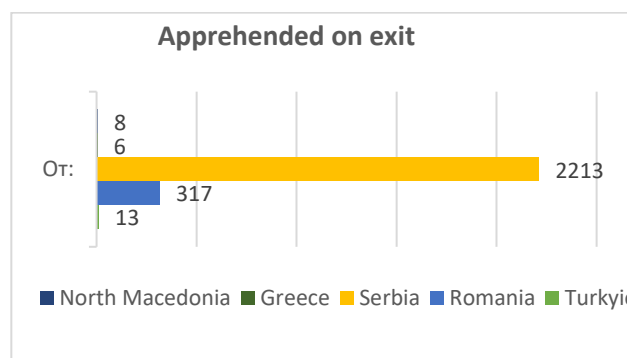
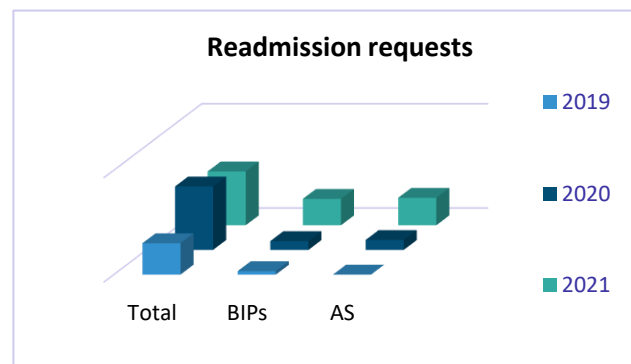
Situation on exit

The majority of asylum seekers were apprehended while already inside the territory of the country, hence they entered Bulgaria undetected.



For the first time in seven years the border applicants apprehended on entry (1065 individuals) exceeded those apprehended on exit (935 individuals) out of all 2000 border applicants.

In total 1032 readmissions of third country nationals have been requested during 2021. From all requested readmissions 49% (506 requests) concerned beneficiaries of international protection and their family members who have been granted legal residence in Bulgaria. Another 51% (526 requests) concerned asylum seekers.



In 2021 the main exit route remained Serbia. In total 2213 individuals were apprehended while attempting to exit Bulgaria to Serbia, 317 individuals - to Romania, 13 individuals - to Turkiye, 8 individuals - to North Macedonia and 6 individuals - to Greece.

CONCLUSIONS

In 2021 an increase with 210% of the mixed-migratory flows along Bulgaria's borders was observed, as compared to 2020. The majority of the third-country nationals who enter Bulgaria continue to consider it as a transit country. Still no formal or practical arrangements or measures are established to ensure a differentiated approach to border management that gives access to the territory and protection for those who flee from war or persecution. With few exceptions, asylum-seekers use irregular routes to enter Bulgaria.

- 1). The migration pressure increased as compared to the previous 2020, despite the restriction of the freedom of movement, imposed as a result of the pandemic.
- 2). Persons who might be in need of international protection were subject to denial of entry from Turkey to Bulgaria, and potential push-backs, on the grounds of irregular entry or the irregular presence or lacking valid identity documentation.
- 3). Almost all the applicants for international protection who submitted their claims upon entry, were placed in immigration detention, while only 15% had direct access to refugee status determination procedure.
- 4). The observation of the non-penalization principle on behalf of the Prosecutors' offices deteriorated. 30% of the border applicants were convicted on account of irregular entry, as compared to 10% in 2020 and just 0.7 % in 2019.
- 5). Commenced in August 2021 the additional monitoring of readmission procedures, implemented by the Border police, covered 122 individuals.
- 6). The main transit route from Bulgaria to Europe continued to be through Serbia.

RECOMMENDATIONS

Based on the developments in 2021 the parties of the Tripartite Memorandum of Understanding make the following recommendations to the respective Government authorities:

- 1). In implementing the National Strategy for Integrated Border Management (2020 – 2025), the authorities shall ensure that the policies are both effective and “protection-sensitive”, where fundamental human rights are respected, including the principle of non-refoulement, non-penalization for irregular entry and the right to seek asylum. The respect of these fundamental principles shall be guaranteed during the present situation of global pandemic.
- 2). Legal channels to enter the territory shall be promoted and applied, including humanitarian visas, family reunion and resettlement as a practical tool to introduce a protection sensitive entry system and border management.
- 3). The government ought to take all the necessary steps to combat the smuggling and trafficking of human beings including by the instruments of prosecution and punishment.
- 4). The responsible Government authorities should ensure that third-country nationals who arrive at the border, including airport transit zones, and may be in need of international protection are provided effective access to information on when and how the applications for international protection may be lodged, including the provision of adequate interpretation. BHC and UNHCR should ensure regular update of the protection information materials, as well as their availability, including at rare languages.
- 5). The responsible Government authorities should ensure that individuals, who have expressed their wish to apply for protection, are not transferred to a deportation center, but are directly registered as asylum-seekers and transferred to a SAR reception facility.
- 6). The responsible Government authorities should promote, in close collaboration with UNHCR and the BHC, the establishment of cross-border cooperation and monitoring mechanism concerning Bulgarian-Turkish, Bulgarian-Greek, and Bulgarian-Serbian and Bulgarian-Romanian borders.
- 7). In cooperation with GDBP, UNHCR and BHC shall ensure at least one training for prosecutors in the regions along to the border with Turkey on issues related to depenalization of irregular entries of asylum seekers.

