



Last updated: July 2010

## Bulgaria Detention Profile

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Located in the south-eastern corner of the European Union (EU), Bulgaria is a transit country for immigrants and asylum seekers heading to Western Europe from the Greater Middle East (Ilareva 2008). The number of migrants crossing into the country, however, is smaller than that of other EU border countries, such as [Poland](#) and [Hungary](#). Bulgaria's detention infrastructure is similarly smaller, although the country's sole dedicated immigration detention facility has been heavily criticized because of the poor treatment of detainees. This includes a lack of medical care, which was blamed for the 2009 death of a Syrian migrant who had been held in detention for nearly three years.

### Detention Policy

**Key norms.** Bulgaria's immigration norms and regulations are contained in the [Law for Foreigners in the Republic of Bulgaria](#) (LF), the [Law on Asylum and Refugees](#) (LAR), and the [Regulations for Implementation of the Law for the Ministry of Interior](#). Both the LF and LAR have been amended since 2007 to include new EU measures, such as the [2008 European Return Directive](#).

**Grounds for detention.** Foreign nationals in Bulgaria can be detained and expelled if they have: a) entered the country illegally; b) overstayed their permit; c) stayed using false or forged documents; or d) been deemed a threat to public order or national security (LF, Art. 41/2). Foreigners detained under these circumstances are held at the Busmantsi detention centre, located outside Sofia, until they are expelled from the country (LF, Art. 44(6)).

The language used in these laws can be misleading. Detention is referred to in the LF as "coercive accommodation," while migrants are "accommodated" and not "detained" (Ilareva 2007a). The Busmantsi facility is officially referred to as the "Special Home for Temporary Placement of Foreigners" (BHC 2010; CPT 2008).

**Administrative agencies.** Immigration policy in Bulgaria falls under the Migration Directorate (MD) of the Ministry of Interior (MOI). Established in 2003, the directorate is responsible for the administrative control of foreign nationals. Article 44(6) of the Law for Foreigners gives the MOI the authority to issue detention orders to migrants. It is in charge of the management, maintenance, and security of facilities used to detain foreign nationals awaiting deportation (MD website).

The MOI is also home to the National Service Border Police (NSBP), a specialized agency responsible for securing and managing Bulgaria's borders. Its main duties are the prevention, detection, and investigation of crimes related to illegal immigration (NSBP website). Under Article 86 of the MOI regulations, the Border Police can arrest migrants attempting to illegally cross the border and place them in specific detention premises.

When dealing with asylum seekers, the Migration Directorate and the Border Police work in cooperation with the State Agency for Refugees (SAR) (see Regulations for the MOI, Art. 88b). The SAR manages Bulgaria's facilities for asylum seekers, including transit centres, registration-and-reception centres, and integration centres (LAR, Art. 47(2)).

**Length of detention.** After adopting the [European Return Directive 2008/155](#) in May 2009, Bulgaria reduced its maximum limit on the detention of migrants to six months, as per Article 15 (5) of the directive. Before this change, migrants could be held in detention indefinitely. In "exceptional" circumstances detention can be extended up to 18 months, but only after the case has undergone judicial review. The court's decision in these cases is made every six months and is not subject to appeal (see [amended Law for Foreigners](#), Art. 44 (8); Art. 46a (3)(4)). Moreover, the review process is held behind closed doors and without the presence of detainees. This has been criticised as a violation of the right to an oral hearing before the court (JRS 2010, p. 143).

In a December 2009 [ruling](#), the European Court of Justice held that Bulgaria must abide by detention limits in the case of Said Kadzoev.

Kadzoev, a Russian national of Chechen origin, had been detained at the Busmantsi detention centre in Sofia since October 2006 awaiting deportation. After emphasizing that foreigners can only be detained if there is a reasonable opportunity for deportation, the court ruled that Bulgarian authorities were obliged to “observe the absolute maximum 18-months period of immigration detention and to release Said Kadzoev immediately” (BHC 2009). The ruling has been hailed as a victory for migrants and a precedent in EC law by several human rights groups. However, since the directive does not cover repeated detentions, there are still concerns that once migrants are released they will simply be picked up again and be detained for another 18 months (Kostadinov 2010; BHC 2009).

In a 2010 report published by JRS-Europe, the Bulgarian Helsinki Committee (BHC) reported that the average length of detention at the Busmantsi detention centre before implementation of the Return Directive was just over 14 months. This was significant as it represented the highest detention duration among the 23 member states covered in the report (JRS 2010). However, when the Global Detention Project contacted the BHC in mid-2010, nearly a year after the directive was implemented, the group reported that the average length had decreased to less than 10 months, although this is still higher than the standard maximum (six months) provided for in the directive (Savova 2010c).

**Access to appeal.** Specific deadlines for the appeal process were included in amendments to the Law for Foreigners in 2009. Under Article 46a, migrants can appeal their detention, but they must do so within three days of being placed in the detention centre. The administrative court must make a decision on the appeal within one month. The act of appealing does not suspend the detention order (LF, Art. 46a).

Human rights groups have criticised the three-day deadline as being unreasonably short, particularly since translation services are not always ensured for detainees. In its 2010 report, JRS-Europe argues that it undermines detainees’ ability to develop a proper legal defence against their detention order (JRS 2010, p. 143).

**Asylum seekers.** Bulgarian law does not provide an explicit rule for detaining asylum seekers. Under the Law on Asylum and Refugees, migrants seeking asylum must submit their application in person to either the SAR or another government authority, who must then pass it along to the SAR. Within 15 days, asylum applicants must be informed about how the asylum procedure works, what their rights and obligations are, and the names of organisations that provide legal and social assistance to foreigners (LAR, Art. 58). While awaiting a decision, which can take several months, asylum seekers are accommodated in one of Bulgaria’s two non-secure Reception and Accommodation Centres (RACs) (LAR, Art. 29(4); Savova 2010a).

Migrants who submit an asylum application after being detained for illegally entering or staying in Bulgaria are held at the Busmantsi detention centre. In theory, this detention is meant to be temporary until transfer to one of the RACs (JRS 2010). According to a source at the Bulgarian Helsinki Committee (BHC), until the beginning of 2010, asylum seekers could spend up to four months in detention before being released to one of the RACs. Under more recent practice, asylum seekers in this situation spend approximately seven to 10 days at the detention centre before being transferred to an RAC (Savova 2010c).

Asylum seekers in detention are at risk of being deported before they are transferred to an RAC, although instances of this are rare. This is due to the delay between when an application is submitted and when it is officially registered (Savova 2010a; Ilareva 2007b). In its 2009 annual report, the BHC highlighted the case of Turkish national Veisel Aktash, who was deported by the Migration Directorate “in contradiction with Bulgaria’s international obligations in the field of asylum and refugees and the EU’s *acquis communautaire*” (BHC 2010).

Asylum seekers whose applications have been rejected are supposed to remain within an RAC if they are appealing the decision. It is only if the appeal has also been denied that they are moved to the Busmantsi detention centre to await deportation. In early 2010, however, the Sofia Echo reported that because of renovations at both RACs, asylum seekers were being sent directly to Busmantsi (Kostadinov 2010). Moreover, according to the Inter Press Service, rejected asylum seekers detained at Busmantsi can remain at the facility “for years while authorities sort out their documentation and return trips” (Ciobanu 2009).

## Detention Infrastructure

Bulgaria has one dedicated migrant detention centre, located near Sofia. Established in March 2006 “as a civilised solution to the challenges Bulgaria faces as an EU ‘frontier’ country” (Kostadinov 2010), the Busmantsi Detention Centre for Undocumented Immigrants—also referred to in official documents as the “Special Home for Temporary Placement of Foreigners” (BHC 2010; CPT 2008)—is managed by the Migration Directorate of the Ministry of Interior (MD website). The centre has an estimated capacity of 300

(JRS 2010). Some 100 were being detained at the centre as of July 2010 (Ciobanu 2010).

According to a source at the Bulgarian Helsinki Committee (BHC), the average length of detention at the Busmantsi facility is less than 10 months (Savova 2010c).

There are currently two Reception and Accommodation Centres (RACs) for asylum seekers in Bulgaria: one within the premises of the State Agency for Refugees in Sofia; and one in the village of Banya near Nova Zagora, approximately 300 kilometres from Sofia. Both were established in 1999 and are managed by the SAR (IOM 2008, pp. 49-50; UNHCR 1999). The capacity at the centres is usually at 100 percent (300 at Sofia and up to 100 at Banya) (Savova 2010c).

The Global Detention Project classifies the RACs as non-secure facilities because individuals are not prevented from leaving the facility after going through an initial medical examination (LAR, Art. 29(4)). In exceptional cases, migrants are quarantined while undergoing the exam (Savova 2010a). Once the tests are completed, asylum seekers are free to leave the centre during the day or night. They need only ask permission if they wish to leave the centre to find new accommodation (Savova 2010c).

In addition to the RACs, the National Service Border Police (NSBP) operates a small facility at the Turkish-Bulgarian border checkpoint of Kapitan Andreevo. It is used to hold migrants detained by the border police for up to 24 hours, after which they must either be released or transferred to the detention centre in Busmantsi (Savova 2010a).

Bulgaria is also in the process of expanding its infrastructure. In Lyubimets, a town near the Greek and Turkish borders, a second migrant detention centre is being built, although it is not clear when it will be opened (Savova 2010a).

In Pastrogor, a transit centre is under construction that will provide reception and accommodation for approximately 300 asylum seekers. Because the majority of asylum seekers enter Bulgaria through Turkey, the centre has been viewed as a way to reduce the costs for transportation to the two existing centres in Sofia and Banya (ERF 2008, p. 6). It remains unclear, however, when it will be opened (Savova 2010b).

**Conditions.** The Busmantsi detention centre is reportedly prison-like in appearance and operation. It has high walls topped with barbed wire, and security guards make use of cameras and restricted areas (Ilareva 2008).

Conditions at the centre have consistently been criticized by human rights groups, particularly in light of recent highly publicised cases of mistreatment at the centre. Observers have also expressed concern about the lack of information provided detainees (JRS 2010).

The most common complaint from detainees has been inadequate health care. According to the Bulgarian Helsinki Committee (BHC), “alongside protracted periods of detention, malnutrition and lack of psychological support, one of the most recurrent problems reported by detainees is extremely poor levels of medical care, lack of medicines and treatment.” As the BHC highlights, rather than employing a permanent medical staff, the Busmantsi centre brings in doctors and nurses on a monthly rotational basis. This makes monitoring and treating detainees difficult (Ciobanu 2009).

According to a 2010 survey conducted by JRS-Europe at the Busmantsi detention centre, almost 90 percent of detainees reported feeling unsafe because of a deterioration in their health. Food was largely reported as unpleasant, lacking variety, and in very small portions. Detainees also indicated that poor nutrition was a constant stress and nearly three-fourths of those surveyed reported that they did not sleep well (JRS 2010).

The absence of proper medical care has been blamed as a cause for the death in October 2009 of Hasun Albaadzh, a Syrian national who had been held at the Busmantsi detention centre for 34 months. According to reports by the Justice 21 Civil Initiative, Albaadzh’s repeated requests for medical attention were ignored, and he was not taken to a hospital despite the fact that his medical conditions were known by the centre’s administration (ACET 2009).

In another case, Jonson Ibitui, a Nigerian national, died of a heart attack shortly after being released from the Busmantsi. One human rights group has argued that “the massive heart attack came as a result of the psychological stress and is a direct consequence of the...one year meaningless detention in the centre” (ACET 2009).

There have also been numerous reports of guards mistreating detainees (U.S. State 2010). The 2010 JRS-Europe survey indicated that 44.4 percent of respondents reported feeling “very unsafe,” mainly because of the security guards (JRS 2010).

Demanding more humane treatment, better living conditions, and health services, detainees at the Busmantsi centre have staged several hunger strikes and protests in recent years. A hunger strike in February 2010 came to an end only after facility management promised to improve conditions (Kostadinov 2010).

Criticism has also been levelled against the conditions at Bulgaria's two Reception and Accommodation Centres in Sofia and Banya. A 2008 report from the European Refugee Fund highlighted that the centres had poor living conditions and lacked accessibility for disabled people (ERF 2008). The 2010 JRS-Europe report also highlighted that in practice, the lack of capacity in the RACs "resulted regularly in detention" of asylum seekers "with physical or mental disabilities, pregnant women and families with children" (JRS 2010).

From 15-19 December 2008, the [European Committee for the Prevention of Torture](#) (CPT) visited the Busmantsi detention centre (CPT Press Release 2008). As of July 2010, CPT had yet to publish the report of the visit. The CPT was scheduled to revisit the country in 2010 (CPT Press Release 2009).

## Facts and Figures

Due to its geographic location, Bulgaria has mainly been used as a transit country by migrants. The routes used by asylum seekers run most often through Turkey and more rarely through Romania and Greece (ERF 2008). In 2005, 6,561 foreigners were refused entry into Bulgaria while 1,190 were apprehended for illegally residing in the country. A total of 570 were expelled in 2006 (IOM 2008). While Bulgaria is an external border country to the EU, these numbers are considerably smaller in comparison to other EU border countries such as [Poland](#) and [Hungary](#).

Migrants apprehended for illegally entering or staying in the country are detained in Bulgaria's one dedicated migrant detention centre in Busmantsi, which has a capacity of 400 detainees. Since implementing the European Return Directive in May 2009, the average length of detention at the centre has decreased to less than 10 months (Savova 2010c).

The number of asylum claims has remained relatively stable over the past five years. In 2009, 850 applications were submitted to the State Agency for Refugees compared to 750 in 2008 and 980 in 2007 (UNHCR 2010). This is a significant decrease from earlier in the decade, when asylum applications peaked at nearly 3,000 in 2002 (SAR 2010b). Very few of these asylum claims, however, are accepted. In 2009, only 39 asylum seekers were granted refugee status while 380 were refused. As of 31 May 2010, of the 413 asylum applications received, the SAR had accepted only six while refusing 158. Forty-five were granted humanitarian status (SAR 2010a). The majority of asylum seekers in 2009 came from Iraq, with 307 claims made in that year (SAR 2010). Other top places of origin in 2009 were the Palestinian territories, Afghanistan, Iran, and Armenia (UNHCR 2010).

In 2006, the number of undocumented migrants in Bulgaria was estimated at between 30,000 and 50,000 (BHC 2006).

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## Bulgaria Detention Profile

### List of Detention Sites

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Name	Location	Status (Year)	Facility Type	Detention Timeframe	Security	Authority	Management	Capacity	Reported Population	Segregation
Special Home for Temporary Placement of Foreigners, Busmantsi	Busmantsi, Sofia City province	In Use (2010)	Migrant Detention Centre	Long-term	Secure	Ministry of Interior	Migration Directorate	400 (2010)	Est. 100 (July 2010)	Adult males and females, minors
Kapitan Andreevo Border Station	Kapitan Andreevo, Haskovo province	In Use (2010)	Immigration Office	Short-term	Secure	Ministry of Interior	National Service Border Police			
Lyubimets Detention Centre	Lyubimets, Haskovo province	Under Construction (2010)	Migrant Detention Centre	Long-term	Secure	Ministry of Interior	Migration Directorate			

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(This is only a partial list. More detailed information is available upon request.)

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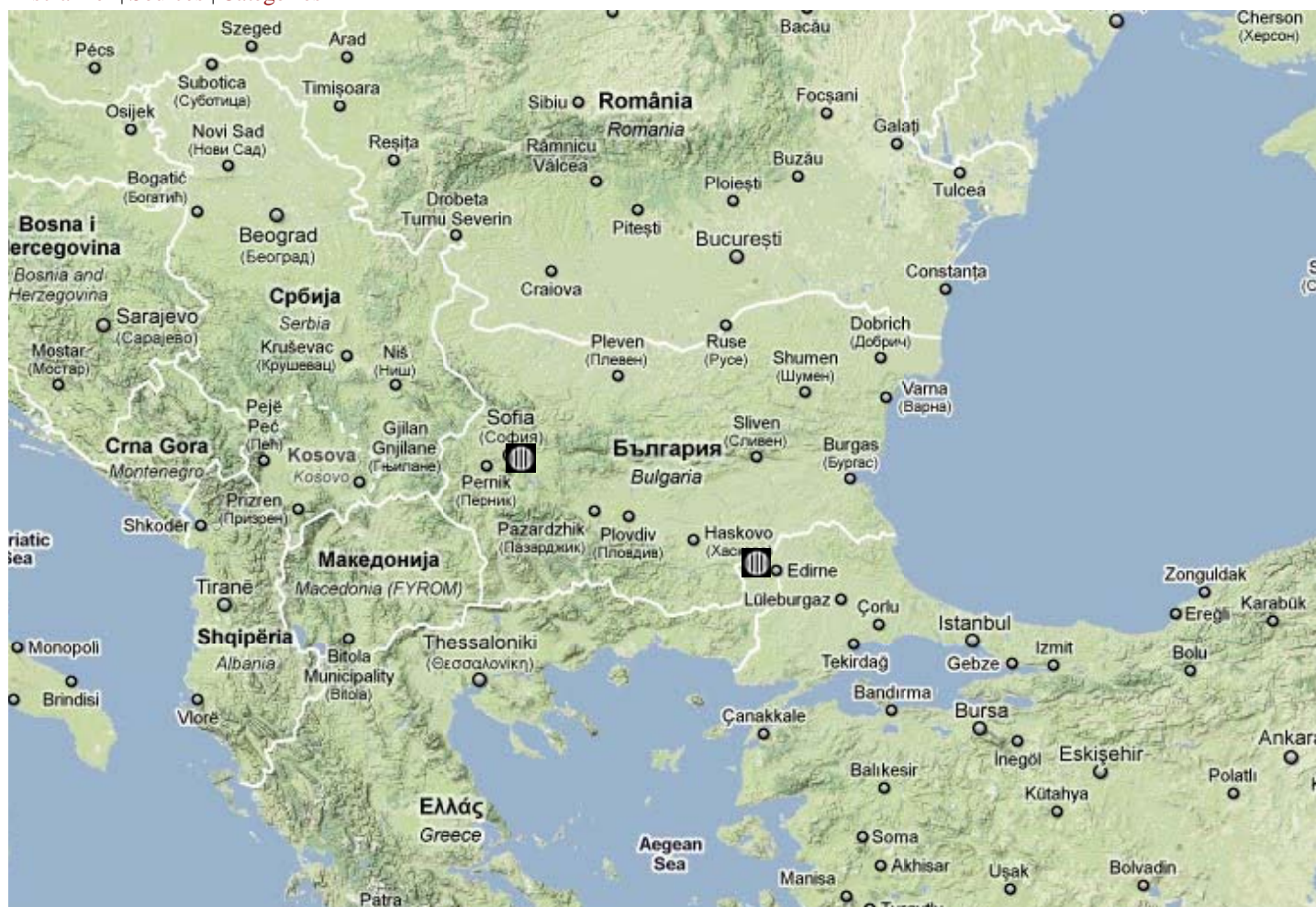


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### Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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### Country View

1. Kapitan Andreevo Border Station
2. Special Home for Temporary Placement of Foreigners, Busmantsi

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## Bulgaria Country Links

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- » NGOs and Research Institutions
- » Media

### Government Agencies

Bulgarian National Anti-Trafficking Commission

<http://antitraffic.government.bg/lang/en/>

Migration Directorate, Ministry of Interior

[http://www.mvr.bg/en/AboutUs/StructuralUnits/National%20MoI%20Services/Police/dir\\_miigracia.htm](http://www.mvr.bg/en/AboutUs/StructuralUnits/National%20MoI%20Services/Police/dir_miigracia.htm)

National Service Border Police, Ministry of Interior

<http://www.mvr.bg/en/AboutUs/StructuralUnits/National+MoI+Services/BorderPolice/default.htm>

State Agency for Refugees

<http://www.aref.government.bg/?cat=2>

### International Organisations

International Labour Organisation – Bulgaria Country Information

<http://www.ilo.org/public/english/region/eurpro/budapest/info/country/bulgaria.htm>

International Organisation for Migration – Bulgaria

<http://iom.bg/en>

UN High Commissioner for Refugees – Bulgaria Country Information

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48db16>

### NGOs and Research Institutions

Amnesty International

<http://www.amnesty.org/en/region/bulgaria>

Assistance Centre for Torture Survivors – Bulgaria

<http://www.acet-bg.org/index.php?lang=2&pid>

Association for Integration of Refugees and Migrants

<http://www.airm-bg.org/maineng.htm>

Bulgarian Council on Refugees and Migrants

<http://www.bcrm-bg.org/en/index.html>

Bulgarian Helsinki Committee

<http://www.bghelsinki.org/index.php?lg=en>

Bulgarian Red Cross

<http://www.redcross.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0078&g=>

Caritas Bulgaria

<http://www.caritas-bg.org/>

Center for European Refugees Migration and Ethnic Studies (CERMES)

<http://www.cermes.info/en/index.php>

Human Rights Watch

<http://www.hrw.org/europecentral-asia/bulgaria>

Legal Clinic for Refugees and Immigrants

<http://www.lcri.hit.bg/>

## Media

Capital (Bulgarian)

<http://www.capital.bg/>

Dneven Trud (Bulgarian)

<http://www.trud.bg/>

Novinar (Bulgarian)

<http://www.novinar.net/>

The Sofia Echo

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