

## Bulgaria Detention Profile

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Bulgaria is a transit country for immigration into Europe. Although the overall numbers of migrants entering the country have been smaller than in neighbouring [Poland](#) and [Hungary](#), Bulgaria has been pressured by the [European Union](#) (EU) to restrict irregular entrants. In March 2011, Bulgaria opened a second immigration detention facility. According to officials in Sofia, the new facility, located close to the nearly 200-km border with Turkey, is proof that the country is ready to join Europe's visa-free Schengen zone. Said the Bulgarian interior ministry in early 2011, "The opening of a new home for illegal immigrants in Lyubimets ... shows Bulgaria has fulfilled all the Schengen criteria."

Many observers are concerned that Bulgaria will not be able to cope with the expected increases in the numbers of people who will attempt to use the country as an entry point into Europe once it joins Schengen, which is scheduled to occur in late 2011 or 2012 (Tsvetkova 2011). The response in Sofia has been to focus on improving border security and interdiction (Al Jazeera 2011). This focus has spurred criticism from rights groups, who argue that asylum seekers are facing undue restrictions. Describing the new detention centre in Lyubimets, where refugee claimants have been detained, an official from the [UN High Commissioner for Refugees](#) (UNHCR) said, "This place is not meant and not designed and not appropriate for asylum seekers" (UNHCR 2011).

### 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 Entry, Residence and Exit in the Republic of Bulgaria of EU Citizens and their Family Members](#) (LEUCFM), 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 and Lyubimets detention centres, located outside Sofia and close to the Bulgarian border with Turkey and Greece, respectively (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 and Lyubimets facilities are officially referred to as "Special Homes 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 without the detainees present. 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). 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, still higher than the standard maximum (six months) provided for in the directive (Savova 2010c). As of mid-2011, according to BHC, the six-month maximum was generally being applied (Savova 2011).

**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 a 2010 report, JRS-Europe argued that it undermines detainees’ ability to develop a proper legal defence against their detention order (JRS 2010, p. 143). In a December 2010 report, BHC advocated for an amendment to the Law for Foreigners to address this discriminatory provision (Savova 2011). In January 2011 the law was amended to the current deadline of seven days and the appeal is heard by the court in open sessions (amended Law on Foreigners, Art. 46a(1) and (2)).

**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 in one of the country’s two detention centres. In theory, this detention is meant to be temporary until transfer to one of the RACs is possible (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 30 days at the detention centre before being transferred to an RAC (Savova 2011).

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 a detention centre to await deportation. However, according to the Inter Press Service, rejected asylum seekers held at a detention centre can remain in detention "for years while authorities sort out their documentation and return trips" (Ciobanu 2009).

## Detention Infrastructure

Bulgaria has two dedicated migrant detention centres: the **Busmantsi Detention Centre**—sometimes referred to in official documents as the "Special Home for Temporary Placement of Foreigners"—which is located near Sofia (BHC 2010; CPT 2008); and the **Lyubimets Detention Centre**—or the "Specialized Center for Temporary Accommodation of Foreign Nationals"—situated near the border with Turkey and Greece (UNHCR 2011; Tsvetkova 2011).

The Busmantsi center was established in March 2006 "as a civilised solution to the challenges Bulgaria faces as an EU 'frontier' country" (Kostadinov 2010). The facility has an estimated capacity of 400 (Savova 2010c). 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 4-10 months (Savova 2010c).

The Lyubimets detention facility opened in early 2011. Described by the country's interior ministry as a fulfilment of Bulgaria's Schengen requirements (Koleva 2011), Lyubimets was reportedly built with funding under the Schengen accord and has a capacity of 300 (EuroPost 2011).

Bulgaria is scheduled to open a "transit centre" for asylum seekers in Pastrogor, also near the Turkish border, in 2011 (Tsvetkova 2011). Billed as a necessary addition to the country's asylum infrastructure, the **Pastrogor Transit Centre**, which has a capacity of 300, has been criticized by some observers who claim it will operate as a "closed" (or secure) facility that denies asylum seekers freedom of movement (Ilareva 2011). Other observers, however, have offered a different characterization, saying that the transit facility is intended to be non-secure (Savova 2011). As of this writing in August 2011, the facility had not yet opened.

Built with funding from the EU Phare Programme (Tsvetkova 2011), the transit centre is reportedly "designed to house people undergoing the Dublin procedure on determining the responsible Member State and for fast-track processing of manifestly unfounded applications of 'illegally staying foreigners' ([Article 47, Paragraph 2.1. of the Law on Asylum and Refugees](#)).

According to an official with the State Refugee Agency, which will manage the Pastrogor facility: "The Transit Center in Pastrogor is a very important unit of the agency. Currently the agency has two units, a reception and registration center in Sofia and another such center near the southern town of Nova Zagora. The two centers' capacity however is insufficient and the new Transit Center is expected to fill in the gap. It is close to the Specialized Center for Temporary Accommodation of Foreign Nationals in the village of Lyubimets, at the Migration Directorate of the Interior Ministry. The centers being close to each other will help facilitate coordination between institutions. For example, if an economic immigrant is refused protection he will be moved to the center in Lyubimets where from he will either be taken out of the country, sent to a third country or to his country of origin" [sic] (quoted in Tsvetkova 2011).

There are two non-secure 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).

Lastly, 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). Because confinement at the police facility is under 72 hours, the Global Detention Project does not classify it as part of Bulgaria's overall immigration detention infrastructure.

**Conditions.** The Busmantsi and Lyubimets detention centres are reportedly prison-like in appearance and operation. They have high walls topped with barbed wire, and security guards make use of cameras and restricted areas (Ilareva 2008; Savova 2011).

Conditions at the Busmantsi centre have consistently been criticized by human rights groups, particularly in light of recent highly publicised cases of mistreatment. 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 facility. 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**

Bulgaria operates two dedicated immigration detention centres, with a combined capacity of 700.

Due to its geographic location, Bulgaria is often used as a transit country by migrants. In 2010, a total of 1,705 third-country nationals were apprehended in Bulgaria for irregular presence, all of which were ordered to leave the country. 295 of these were returned by Bulgarian authorities, and 210 of those returned were sent to a third country (European

Commission 2011, p. 76). Some 3,070 individuals were refused entry to Bulgaria in 2010; two at a land border; 60 at a sea border; and 455 at an air border (European Commission 2011, p.78). This figure represents more than half of the number of migrants refused entry into the country in 2005 (IOM 2008). There were a total of 19 unaccompanied minors registered in Bulgaria in 2010 (European Commission 2011, p.81).

The routes used by asylum seekers run most often through Turkey and more rarely through Romania and Greece (ERF 2008). In 2010 a total of 1,025 asylum applicants were registered in Bulgaria; 515 decisions were made, of which 140 were positive and 375 were negative. Of the positive decisions, 20 people were granted refugee status and 120 were granted subsidiary protection (European Commission 2011, p.79).

According to a report from Radio Bulgaria: “Some 1,000 individuals annually seek asylum in Bulgaria. A peak of asylum seekers was seen in 2001-2003 when the armed conflicts in Afghanistan and Iraq raged with the greatest intensity. In 2002 alone 5,000 looked for asylum in this country. After that their numbers began to decline reaching a low of just 600 in 2006” (Tsvetkova 2011).

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. In 2010, of the 1025 asylum applications received, the SAR accepted only 20 while refusing 386. One hundred-eighteen were granted humanitarian status (SAR 2010a; Savova 2011). Altogether, 580 asylum seekers were detained in 2010, 380 (or 65 percent) were released in less than a month; 183 were border applicants; and another 397 applied from the Busmantsi detention center (BHC 2010; Savova 2011). The majority of asylum seekers in 2010 came from Iraq, with 452 claims made in that year (SAR 2010). Other top places of origin in 2009 were the Palestinian territories, Afghanistan, Iran, and Armenia (UNHCR 2010).

Since implementing the European Return Directive in May 2009, the average length of detention has dropped to six months (Savova 2011).

In 2006, the Bulgarian Helsinki Commission reported that estimates of the country’s undocumented population were between 30,000 and 50,000 (BHC 2006). The BHC estimated that it had dropped to 10,000 by 2010 (Savova 2011).

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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 (2011)	Migrant Detention Centre	Long-term	Secure	Ministry of Interior	Migration Directorate	400 (2010)	Est. 100 (July 2010)	Adult males and females, minors
Lyubimets Detention Centre	Lyubimets, Haskovo province	In Use (2011)	Migrant Detention Centre	Long-term	Secure	Ministry of Interior	Migration Directorate	300 (2011)		

### Sources

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

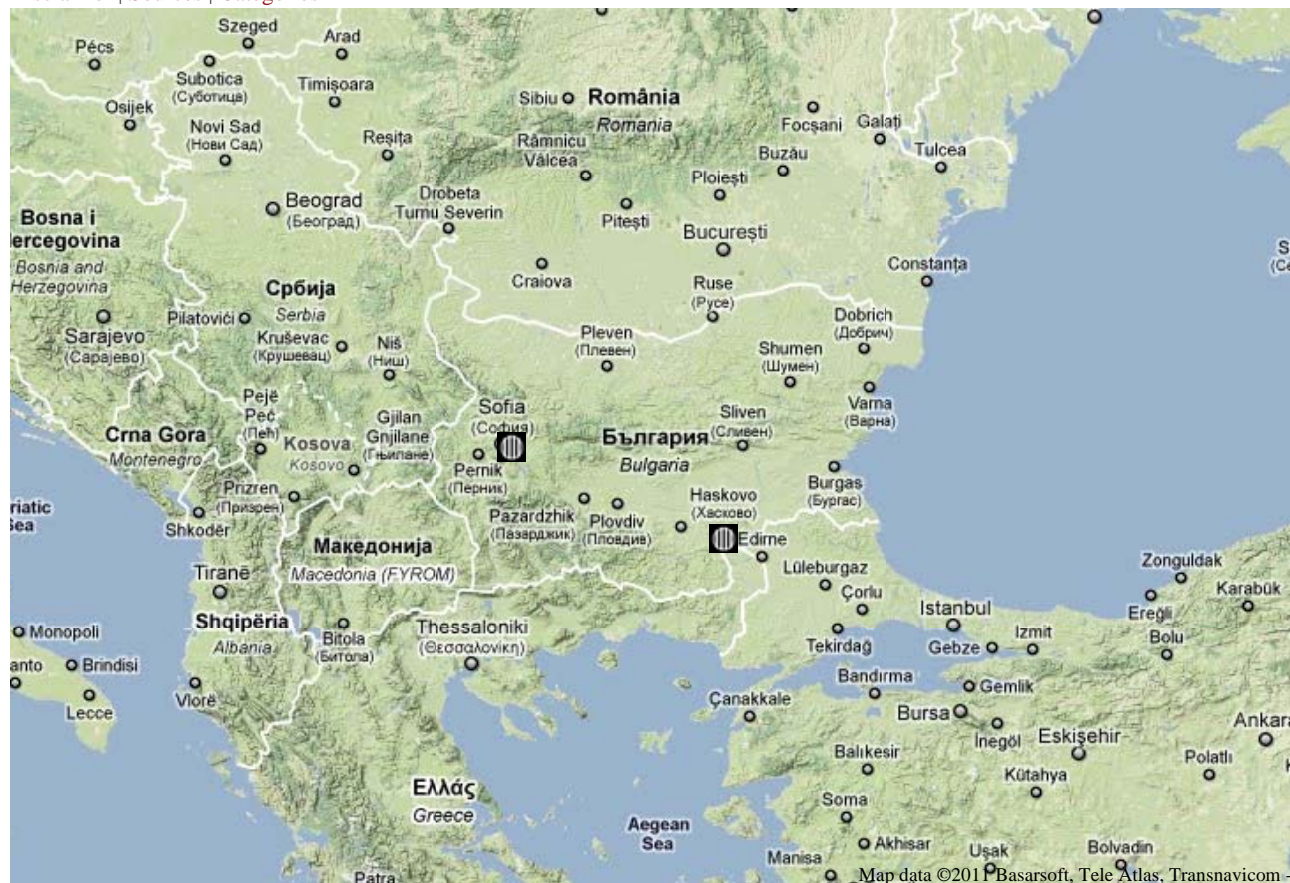
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## Bulgaria Detention Profile

### Map of "In Use" Detention Sites

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

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#### Country View

1. Lyubimets Detention Centre (Specialized Center for Temporary Accommodation of Foreign Nationals)
2. Special Home for Temporary Placement of Foreigners, Busmantsi

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

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- » [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\\_migracia.htm](http://www.mvr.bg/en/AboutUs/StructuralUnits/National%20MoI%20Services/Police/dir_migracia.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

<http://www.sofiaecho.com/>

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