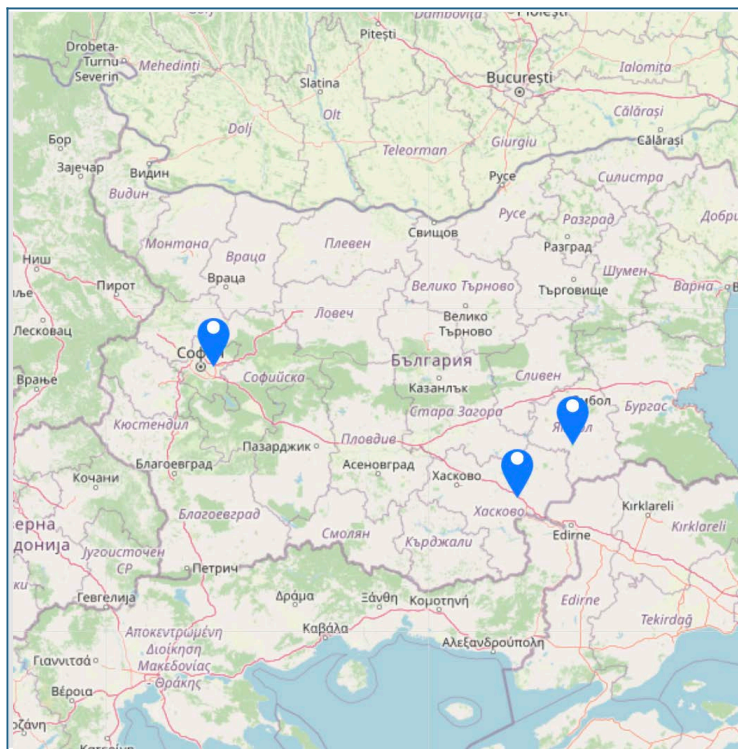


# Bulgaria Immigration Detention Data Profile

Global Detention Project profile produced in partnership with Red Line Project and Bulgarian Foundation for Access to Rights (FAR)

**THE RED LINE PROJECT**  
A project led by the Hungarian Helsinki Committee and funded by EPIM



## Quick Facts

<b>Immigration detainees (2017)</b>	2,989
<b>Detained asylum seekers (2017)</b>	37
<b>Detained minors (2017)</b>	736
<b>Immigration detention capacity (2017)</b>	700
<b>Persons expelled (2018)</b>	710
<b>International migrants (2019)</b>	168,516
<b>New asylum applications (2019)</b>	2,131

## NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/europe/bulgaria>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

# STATISTICS

## Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	2,989	2017	Top nationalities of detainees	Afghanistan, Syria, Iraq	2017
	3,332	2017			
	18,391	2016			
	11,314	2016			
	27,724	2015			
	11,902	2015			
	5,992	2014			
	2,700	2013			
	6,303	2013			
	5,464	2013			
	2,016	2012			
	2,047	2012			
	1,074	2011			
	1,048	2011			
	973	2010			
	832	2009			
Number of persons granted alternatives to immigration detention	14	2017	Number of detained asylum seekers	37	2017
				11,314	2016
Total number of detained minors	736	2017	Number of detained unaccompanied minors	Not Available	2017
	496	2016			
	667	2013			
	247	2012			
Number of detained accompanied minors	736	2017	Number of detained stateless persons	3	2017
Number of apprehensions of non-citizens	1,305	2018	Immigration detainees as a percentage of total international migrant population	8.71	2017
	2,595	2017		9.33	2015
	14,125	2016		6.5	2013
	20,810	2015		1.28	2010
	12,870	2014			
	5,260	2013			
	2,050	2012			
Estimated total immigration detention capacity	700	2017	Number of dedicated long-term immigration detention centres	2	2017
				3	2015

Estimated capacity of dedicated long-term immigration detention centres	700	2017	Number of dedicated medium-term immigration detention centres	2	2017
	1,040	2016			
	940	2015			
Number of persons removed/returned (voluntary returns and deportations)	710	2018	Number of deportations/forced returns only	330	2018
	1,755	2017		485	2017
	1,215	2016		345	2016
	735	2015		555	2015
	1,155	2014		665	2014
	1,100	2013			
	835	2012			
Percentage of persons removed in relation to total number of people placed in removal procedures	52.67	2017	Criminal prison population	7,345	2016
	68	2017		9,028	2014
	9	2016		10,006	2013
	4	2015			
	9	2014			
Percentage of foreign prisoners	2.93	2016	Prison population rate (per 100,000 of national population)	103	2016
	2	2012		125	2014
	2	2012		138	2013

#### Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	6,900,000	2020	International migrants	168,516	2019
	7,100,000	2017		153,800	2017
	7,150,000	2015		102,100	2015
	7,400,000	2012		84,100	2013
				76,000	2010
International migrants as a percentage of the population	2.2	2017	Estimated number of undocumented migrants	2,595	2017
	1.4	2015			
	1.2	2013			
Refugees	20,438	2019	Ratio of refugees per 1000 inhabitants	2.51	2016
	19,918	2018		1.53	2014
	19,184	2017		0.31	2012
	17,774	2016			
	16,557	2015			
	4,320	2014			

Total number of new asylum applications	2,131	2019	Refugee recognition rate	68.8	2014
	3,700	2017			
	19,265	2016			
	11,081	2014			
	1,387	2012			
Stateless persons	92	2018			
	73	2017			
	67	2016			
	67	2015			
	0	2014			

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law		2019	
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Constitution of the Republic of Bulgaria, Article 30.	1991	1991
	Yes	Constitution of the Republic of Bulgaria, Article 30.	1991	2015
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Foreigners in the Republic of Bulgaria (LFRB) Act. No. 153/23.12.1998. Last Amendment, SG No. 53/27.06.2014		1998	2014
	Law on Foreign Nationals in the Republic of Bulgaria, Last Amendment SG. No. 56 of 6 July 2018		1998	2018
	Law on Asylum and Refugees (Закон за убежището и бежанците)		2002	2016
LAWS AND REGULATIONS				
Additional legislation	Name		Year Adopted	Last Year Amended
	Administrative Procedure Code (APC)		2006	2014
	Law on Legal Aid		2006	2017
	Law on Legal Aid		2005	2018
	Criminal Code		1968	2017

LAWS AND REGULATIONS			
Regulations, standards, guidelines	Name		Year Published
	Regulation for the Application of the Law on the Foreigners in the Republic of Bulgaria [2011] State Gazette 51 of 05.07.2011, last amended State Gazette 57 of 28.07.2015		2011
	Regulation on the Application of the Law on Foreign Nationals in the Republic of Bulgaria		2011
	Ordinance No. 13-1201 of 1 June 2010 on the Procedure for the Temporary Accommodation of Foreigners in the Special Homes for the Temporary Accommodation of Foreigners and Their Units and for the Organization of Their Activity		2010
	Ordinance on the Responsibility and Coordination of the State Bodies Implementing the Dublin Regulation and the Eurodac Regulation		2008
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Immigration-status-related grounds	Name		Observation Date
	Detention to establish/verify identity and nationality		2019
	Detention to effect removal		2019
	Detention to prevent absconding		2019
	Detention to establish/verify identity and nationality		2019
	Detention to effect removal		2019
	Detention for failing to respect non-custodial measures		2019
	Detention during the asylum process		2018
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Non-immigration-status-related grounds providing for administrative detention in immigration legislation.	Name		Observation Date
	Detention on public order, threats or security grounds		2019
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	2019
	Yes	Yes	1968
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorized re-entry	2190	2019
	Unauthorized entry	1825	2019
	Unauthorized exit	1825	2019
	Unauthorized entry	1825	1968
	Unauthorized exit	1825	1968

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES					
Has the country decriminalized immigration-related violations?	Has the country decriminalized immigration-related violations?		Observation Date		
	Yes		2019		
LENGTH OF DETENTION					
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date		
	540		2019		
	540		2009		
LENGTH OF DETENTION					
Maximum length of time in custody prior to issuance of a detention order	Number of Days		Observation Date		
	1		2019		
LENGTH OF DETENTION					
Average length of detention	Number of Days		Observation Date		
	25		2017		
	21		2013		
LENGTH OF DETENTION					
Maximum length of detention for asylum-seekers	Number of Days		Observation Date		
	No Limit		2019		
	No Limit		2015		
PROCEDURAL STANDARDS					
Provision of basic procedural standards	Name		In Law	In Practice	Observation Date
	Right to legal counsel		Yes	Yes	2019
	Information to detainees		Yes	No	2019
	Access to free interpretation services		Yes	infrequently	2019
	Access to consular assistance		Yes	Yes	2019
	Access to asylum procedures		Yes	infrequently	2019
	Independent review of detention		Yes	infrequently	2019
	Right to appeal the lawfulness of detention		Yes	infrequently	2019
	Complaints mechanism regarding detention conditions		Yes	No	2019
	Compensation for unlawful detention		Yes	No	2019

NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Registration (deposit of documents)	Yes	infrequently	2018
	Release on bail	Yes	No	2018
	Provision of a guarantor	Yes	Yes	2018
	Unconditional release	Yes	Yes	2017
	Registration (deposit of documents)			2017
	Designated regional residence	Yes	Yes	2017
	Designated non-secure housing	No	No	2017
	Release on bail	No	No	2017
	Electronic monitoring	No	No	2017
	Supervised release and/or reporting	Yes	infrequently	2017
	Supervised release and/or reporting	Yes	infrequently	2014
	Supervised release and/or reporting	Yes	Yes	2001
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Stateless persons	Not mentioned	Yes	2019
	Women	Not mentioned	Yes	2019
	Accompanied minors	Provided	Yes	2019
	Asylum seekers	Provided	Yes	2019
	Elderly	Provided	Yes	2019
	Pregnant women	Provided	Yes	2019
	Persons with disabilities	Provided	Yes	2019
	Refugees	Not mentioned	Yes	2019
	Survivors of torture	Provided	Yes	2019
	Unaccompanied minors	Prohibited	Yes	2019
	Victims of trafficking	Provided	Yes	2019
	Unaccompanied minors	Prohibited	Yes	2016
	Accompanied minors	Provided	Yes	2016
	Asylum seekers	Provided	Yes	2016
	Unaccompanied minors	Prohibited	Yes	2014
MANDATORY DETENTION				
Mandatory detention	Filter	Name	Observation Date	
	No		2017	

EXPEDITED REMOVAL AND RE-ENTRY BAN		
Expedited/fast track removal	Name	Observation Date
	Yes	2019
EXPEDITED REMOVAL AND RE-ENTRY BAN		
Re-entry ban	Name	Observation Date
	Yes	2013



**COVID-19 UPDATES**

	Update Status	Observation Date
Latest Update	<p>In a follow-up response to its 5 June GDP Covid-19 survey, the Interior Ministry provided additional information regarding removal procedures during the Covid-19 crisis. According to the ministry, removals were halted as there were practical difficulties in carrying out returns due to measures to protect the health of migrants and escort staff, as well as challenges stemming from flight delays and entry restrictions. The ministry stated that no return procedures were executed from April to June 2020. In July, some airlines resumed flights to and from Sofia, but as of late August there were still no transit flights to many key non-EU countries. Several countries of origin—including Afghanistan, Algeria, and Nigeria—are currently not accepting their citizens. However, the Bulgarian Border Police have continued to carry out returns to neighbouring countries, including Turkey, Serbia, the Republic of Northern Macedonia, Moldova, Kosovo, and Albania. In its previous survey response (see 5 June update on this platform), the Interior Ministry reported that the country had not established a moratorium on new immigration detention orders and that no immigration detainees had been released from the special homes for temporary accommodation of foreigners (SHTAFs) due to the Covid-19 crisis. The ministry also said that there had not been any cases of Covid-19 amongst the immigration detainee population. It is unclear if any new measures have been adopted since then to assist migrants or asylum seekers, including those in detention. As regards the country's prisons, on 6 April, the Bulgarian Helsinki Committee and the Bulgarian Lawyers for Human Rights urged the country's national assembly to temporarily release prisoners at risk. On 6 July, two staff members of the Plovdiv prison tested positive for Covid-19.</p>	2020
	<p>Responding to the Global Detention Project's Covid-19 survey, the Bulgarian Ministry of Interior reported that the country has not established a moratorium on new detention orders and that the measure is not being contemplated. The Ministry also explained that no immigration detainees have been released from "special homes for temporary accommodation of foreigners (closed detention centres) managed by the Migration Directorate with the Ministry of Interior" due to the Covid-19 crisis. According to the Ministry, alternative measures to detention are applied under the provisions of the Law on Foreigners and in consequence are not related to the Covid-19 pandemic. Regarding the measures taken to protect immigration detainees, the Ministry said that: - Detained migrants are tested for Covid-19 only if they have symptoms of infection; - Special anti-epidemic measures have been introduced in the special homes for temporary accommodation (SHTAFs) to prevent the spread of Covid-19; - All newly arrived foreigners are examined by the medical personnel on duty from the Medical Service of the SHTAF-Sofia by measuring body temperature with a thermometer and by taking an epidemiological history. A questionnaire is filled in according to a template provided by the Medical Institute of the Ministry of Interior; - All newly accommodated foreigners are quarantined for 14 days in premises specifically determined for this purpose, separately from other accommodated persons; - Social distancing measures have been implemented by separating newly accommodated non-citizens from all other third-country nationals in specifically determined premises for a period of 14 days. Also, those placed in quarantine do not mix with other detainees during meals, outdoor walks and personal time. Following the declaration of the state of emergency and the special anti-epidemic measures in the country, organised group activities have been suspended; and - As a temporary measure, a visitation ban has been introduced for relatives and acquaintances. Lawyers, human rights organisation representatives and officers of other structures of the Ministry of the Interior may still meet detainees. However, these meetings are held in compliance with the relevant anti-epidemic measures for personal protection. The Ministry of Interior of Bulgaria stated that for the time being, there have not been any cases of Covid-19 amongst the immigration detainee population detained in SHTAFs.</p>	2020
	<p>Responding to the Global Detention Project's Covid-19 survey, a non-governmental actor in Bulgaria reported that while the country has not declared a moratorium on new detention orders officials have worked to limit detainee populations in its detention centres. The source, who asked to remain anonymous but whose identity was verified by the GDP, said that Bulgaria's two detention centres—Busmantsi and Lyubimets—have been operating at no more than 15 percent occupancy rate to allow for social distancing. However, there has been no routine testing of detainees. Regarding asylum procedures, the source reported that all activities related to the asylum procedure have been suspended "apart from registration of new applicants. 14 days quarantine was introduced for newly-accommodated persons in open centres and detention centres." The source added: "Persons who apply for asylum while in immigration detention are released to open centres managed by the State Agency for Refugees (SAR) which implemented strict measures including limiting the possibility to leave the centres to essential trips - for work, shopping, medical reasons." However, those expressing intention to apply for asylum while detained must enter 14-day quarantine before submitting their asylum application. Asylum applicants who are determined to be children are released to SAR and undergo 14-day quarantine. The source reported that while most removals have been suspended, a "few returns have taken place, primarily to neighbouring countries and concerning nationals of these countries." The source added: "While a general prohibition of entry of third country nationals to Bulgaria was introduced, persons travelling for humanitarian reasons were explicitly exempted from it. ... Asylum-seekers in open centres were subject to restrictions on leaving the centres - they were allowed to leave for essential reasons only. The restriction ended once the state declared the end of the emergency measures (13 May)."</p>	2020

## INTERNATIONAL LAW

### Relevant international treaties and date of ratification

International treaties	Name	Ratification Year
	CRPD, Convention on the Rights of Persons with Disabilities	2012
	CRSSP, Convention Relating to the Status of Stateless Persons	2012
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2011
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2001
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2001
	CRSR, Geneva Convention Relating to the Status of Refugees	1993
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1993
	CRC, Convention on the Rights of the Child	1991
	VCCR, Vienna Convention on Consular Relations	1989
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1986
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1982
	ICCPR, International Covenant on Civil and Political Rights	1970
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1970
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1966
Ratio of relevant international treaties ratified	14/19	

### Relevant international treaties and date of ratification

Individual complaints procedure	Name	Acceptance Year
	CAT, declaration under article 22 of the Convention	1993
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2006
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1992

### Relevant international treaties and date of ratification

Ratio of complaints procedures accepted	Number	Observation Date
	3	2019
	3	2019

Relevant international treaties and date of ratification			
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year
	Committee against Torture	“The State party should: (a) Ensure that persons in need of international protection are not subjected to arbitrary detention, provide for judicial review of detention, envisage alternatives to detention and prohibit the detention of children; (b) Avoid registering unaccompanied children apprehended upon irregular entry as being “accompanied” by adults they are not related to and establish a single body for coordinating the child protection policy;” “(i) Reduce the level of overcrowding in migrant detention facilities, in particular in Busmantsi and Lyubimets”.	2017
	Committee against Torture	§ 14 [...] (a) Amend article 16 of the Ordinance for the Responsibilities and Coordination between the State Agency for Refugees, the Directorate of Migration and the Border Police - in order to formally remove the rule that allows for the detention of asylum-seekers on the basis of illegal entry and ensure that asylum-seekers enjoy accommodation, documentation, access to health care, social assistance, education and language training, as provided in articles 29 and 30 (a) of the Law on Asylum and Refugees; (b) Ensure that the detention of asylum-seekers is only used as a last resort, when necessary, for as short a period as possible and that safeguards against refoulement are fully implemented;	2011
	Committee on the Elimination of Racial Discrimination	22	2017
	Committee on the Rights of the Child	51	2016
Regional treaties, regulations, and directives			
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)
	ECHR, Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as the European Convention on Human Rights)		1992
	ECHR1, Protocol 1 to the European Convention on Human Rights (amended by protocol 11)		1992
	ECHR7, Protocol 7 to the European Convention on Human Rights (amended by protocol 11)		2001
	ECPT, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment		1994
	CATHB, Convention on Action against Trafficking in Human Beings		2007
	CPCSE, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		2011
	ECHR1, Protocol 1 to the European Convention on Human Rights (amended by protocol 11)		1992
	ECHR7, Protocol 7 to the European Convention on Human Rights (amended by protocol 11)		2000

**Regional treaties, regulations, and directives**

Regional judicial decisions on individual complaints	Name	Decision Details	Observation Date
	Court of Justice of European Union (CJEU)	Kadzoev, C-357/09 PPU, 30 November 2009	2019
	European Court of Human Rights (ECtHR)	Djalti v. Bulgaria (application no. 31206/05), 12 March 2013	2019
	European Court of Human Rights (ECtHR)	S.F. and Others v. Bulgaria, Application No. 8138/16, violation of Article 3 of the ECHR with respect of the children Y.F, S.F2 and A.F., 7 December 2017	2019
	European Court of Human Rights (ECtHR)	Al- Nashif v Bulgaria, Applciation no. 50963/99, violation of Article 5(4), Article 8 and Article 13 of the Convention, 20 June 2002	2019
	European Court of Human Rights (ECtHR)	Auad v. Bulgaria, Application No. 46390/10, violation of Article 5.1 and Article 13 of the Convention, 11 January 2012	2019
	European Court of Human Rights (ECtHR)	Amie and Others v. Bulgaria, Application No. 58149/08, Violation of Articles 5 § 1, 5 § 4 and 8, 12 February 2013	2019
	European Court of Human Rights (ECtHR)	M. and Others v. Bulgaria, Application No. 41416/08, Violations of Article 5(1) and (4), Article 8, and Article 13, 26 July 2011	2019
	Court of Justice of European Union (CJEU)	C-146/14 PPU - Mahdi, Directive 2008/115/EC — Return of illegally staying third-country nationals — Article 15 — Detention — Extension of detention — Obligations of the administrative or judicial authority — Review by a judicial authority — Third-country national without identity documents — Obstacles to implementation of a removal decision — Refusal of the embassy of the third country concerned to issue an identity document enabling the third-country national to be returned — Risk of absconding — Reasonable prospect of removal — Lack of cooperation — Whether the Member State concerned is under an obligation to issue a temporary document relating to the status of the person concerned, 5 June 2014	2019
	European Court of Human Rights (ECtHR)	Raza v. Bulgaria, Application no. 31465/08, 11 February 2010, Violation of Articles 5 § 1, 5 § 4, 8 and 13, 11 February 2010	2019

## Regional treaties, regulations, and directives

	Name	Recommendation Excerpt	Recommendation Year	Observation Date
Recommendations issued by regional human rights mechanisms	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	<p>"The CPT recommends that the management of the Special Home for Accommodation of Foreigners in Lyubimets deliver a clear message to all staff members that the ill-treatment of detained foreign nationals (whether of a physical or verbal nature) is not acceptable and will be the subject of severe sanctions. The Committee also recommends that steps be taken to increase ongoing staff presence inside the accommodation areas, and that serious efforts be made to improve staff's training in languages and inter-cultural communication." "The CPT recommends that the management and staff of the Special Home for Accommodation of Foreigners in Lyubimets exercise increased vigilance and make use of all the means at their disposal to prevent inter-detainee violence and intimidation, paying particular attention to ensuring the safety of women and minors who should not share dormitories with unrelated male adult detainees. The Committee would also like to receive information on the outcome of the investigation into the incident referred to above.</p> <p>" "The CPT recommends that following steps be taken in respect of the Special Home for Accommodation of Foreigners in Lyubimets: - reduce occupancy levels in the dormitories and remove spare beds; - refurbish the detainee accommodation areas, replace or repair the broken furniture (and provide lockable space for personal belongings) and sanitary facilities (toilets, washrooms and showers) and make sure all these premises and installations are properly maintained and kept clean; carry out thorough and repeated disinfection measures and replace all mattresses with new, insulated and washable ones, so as to eliminate the problem of infestation with bed bugs; - ensure that detained foreign nationals have ready access to a toilet at all times, including at night; - ensure the provision of personal hygiene items, sanitary materials for women, nappies for infants, appropriate clothing and shoes; - provide detained foreign nationals with clear information, in languages they understand, about the procedures to be followed to obtain the above-mentioned items from the Home's administration. 53 Further, the Committee invites the Bulgarian authorities to review the food arrangements (including as regards baby food) in the Home in order to ensure that the dietary habits and needs of detained foreign nationals are being adequately catered for. Close attention should also be paid to the prices of items sold in the establishment's shop." "The CPT calls upon the Bulgarian authorities to offer a range of constructive activities to foreign nationals detained at the Special Home for Accommodation of Foreigners in Lyubimets, taking into consideration the fact that persons may - and often do - spend lengthy periods of time at the establishment. As a first step, TV sets must be repaired (and foreign nationals enabled to watch foreign TV channels), and radio sets, books, magazines, newspapers (in an appropriate range of languages) provided. Further, detained foreign nationals must be offered the possibility to engage in sports and play board games, and minors should have a playground (with toys) at their disposal. As regards the large outdoor area, it should be equipped with a suitable number of shelters against inclement weather." "The Committee recommends that steps be taken to strengthen the provision of health care to foreign nationals detained at the Special Home for Accommodation of Foreigners in Lyubimets, and in particular to: - ensure that detained foreign nationals have reasonably rapid and free-of-charge access to the doctor and outside specialists, including to dental care and to a gynaecologist, an obstetrician, a paediatrician and a psychiatrist; efforts should also be made to offer to female detainees the possibility to see a female doctor; - ensure appropriate supplies of free-of-charge medication; - provide qualified interpretation in cases when detained foreigners and medical staff cannot communicate with each other; - improve the quality of medical screening upon arrival (include the screening for TB, other transmissible diseases and mental disorders including signs of PTSD), and the quality of the recording of injuries; in this respect, reference is made to the recommendations in paragraph 27 above which apply mutatis mutandis." "The Committee recommends that the Bulgarian authorities strive to improve the level of psychological assistance to foreign nationals detained at the Special Home for Accommodation of Foreigners in Lyubimets, including the provision of interpretation." "The CPT recommends that steps be taken to ensure that all detained foreign nationals at the Special Home for Accommodation of Foreigners in Lyubimets are provided with adequate written information in languages they understand. Further, it would be desirable for foreign nationals to receive a written translation in a language they understand of decisions regarding their detention/removal, as well as written and oral information on the modalities and deadlines for appealing against such decisions." "the Committee reiterates its recommendation that the Bulgarian authorities take steps to extend the system of legal aid to detained foreign nationals, in all phases of the procedure. For indigent foreign nationals, these services should be provided free of charge." "The CPT recommends that steps be taken to ensure that foreign nationals detained at the Special Home for Accommodation of Foreigners in Lyubimets receive, when necessary, the assistance of qualified interpreters. The use of fellow detainees as interpreters should, in principle, be avoided." "The Committee recommends that the Bulgarian authorities allow foreign nationals detained at the Special Home for Accommodation of Foreigners in Lyubimets to use the VoIP technologies on a free-of-charge basis to communicate with the outside world."</p>	2017	2019
	Council of Europe Commissioner for Human Rights	<p>"138. Any excessive use of force by law enforcement officials in the context of migration at the border or in detention facilities must be fully and effectively investigated and those found responsible must be adequately sanctioned. 139. Concerning detention, the Commissioner calls on the Bulgarian authorities to give up plans to adopt a law providing for the systematic detention of asylum seekers. Practices such as 22 June 2015 REPORT BY NILS MUIJZIEKS COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE. FOLLOWING HIS VISIT TO BULGARIA FROM 9 TO 11 FEBRUARY 2015, <a href="https://rm.coe.int/ref/CommDH(2015)12">https://rm.coe.int/ref/CommDH(2015)12</a> the detention of persons pending the registration of their asylum claims with the SAR should cease immediately. In addition, the Commissioner stresses that asylum seekers in particularly vulnerable situations should not be kept in immigration detention. The Commissioner draws the authorities' attention to the recently adopted UNHCR Global Strategy on Detention<sup>75</sup>, 140. As to detention for the purpose of removal, the Commissioner calls on the Bulgarian authorities to ensure that detention is only used as a last resort, for the shortest possible period of time and on the basis of individual assessments. Alternatives to detention should be considered first. 141. The Commissioner reiterates that migrant children, including those accompanied by their parents, should not be detained under any circumstances as detention is not in their best interests. 142. The Commissioner calls on the Bulgarian authorities to decriminalise irregular crossing of the Bulgarian border by repealing Article 279 of the Criminal Code. Punishing those who are seeking safety in Europe is not acceptable: the Commissioner recalls that these persons are not criminals and should not be treated as such"</p>	2015	2019
	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	<p>§35 [...] The CPT must stress once again that deprivation of asylum seekers of their liberty should be resorted to only exceptionally, after a careful examination of each individual case, and should be applied for the shortest possible time; further, the lawfulness of such a measure should be open to challenge before a judicial authority<sup>[11]</sup>. When asylum seekers are deprived of their liberty as an exceptional measure, they should be kept separately from foreign nationals who have not lodged an application for international protection. <b>The Committee calls upon the Bulgarian authorities to act in accordance with these precepts. In those instances where there are exceptional reasons for depriving an asylum seeker of his/her liberty while awaiting the outcome of his/her application, such reasons should be fully documented.</b></p> <p>In this connection, the delegation learned that a new establishment for the temporary placement of foreign nationals was expected to open in 2011 in Lyubimets, near the border with Turkey, and that persons who had applied for asylum might be detained there. <b>The CPT would like to receive detailed information on the new facility (e.g. capacity, structure, categories of persons held, etc.).</b></p> <p>39. <b>The CPT recommends that the management of the Special Home for Temporary Placement of Foreign Nationals in Busmantsi continue to deliver a clear message to all staff members that the ill-treatment of detained persons (whether of a physical or verbal nature) is not acceptable and will be the subject of sanctions. Further, the Committee recommends that the management and staff exercise increased vigilance and make use of all the means at their disposal to prevent inter-detainee violence and intimidation.</b></p> <p>43. <b>The CPT reiterates the recommendations made in the report on the 2008 visit that steps be taken at the Busmantsi Home to:- ensure occupancy levels in the dormitories which guarantee a minimum of 4 m² per detained person; - restore the broken furniture and sanitary facilities to a good state of repair and provide sufficient funding for running repairs; - ensure that detained persons have ready access to a toilet at all times, including at night; - review the provision of personal hygiene products and appropriate clothing and footwear to detainees. Further, the Committee invites the Bulgarian authorities to review the food arrangements in the Busmantsi Home in order to ensure that the dietary habits and needs of detained persons are being adequately catered for. It would be useful to involve detainees in the setting up of food menus, to reflect better the range of different dietary habits.</b></p> <p>§47 <b>The CPT recommends that steps be taken to strengthen the provision of health care to foreign nationals detained at the Busmantsi Home, and in particular to: reinforce the health-care team by appointing at least one more nurse; ensure that detained persons have unrestricted and reasonably rapid access to the doctor and outside specialists, including to dental care; provide interpretation in cases when medical staff cannot communicate with detained foreign nationals; ensure that detained foreign nationals are fully informed of their treatment.</b></p> <p>§48 [...] <b>The Committee recommends that the Bulgarian authorities reinforce the provision of psychological care to foreign nationals detained at the Busmantsi Home.</b></p> <p>§ 51 [...] <b>The CPT recommends the Bulgarian authorities seek ways to improve channels of communication between SAR and the Busmantsi Home with a view to better informing detainees of their situation.</b></p> <p>§53 [...] <b>The CPT reiterates its recommendation that the Bulgarian authorities take steps to ensure that foreign nationals detained at the Busmantsi Home receive, when necessary, the assistance of qualified interpreters. The use of fellow detainees as interpreters should, in principle, be avoided.</b></p> <p>§54 [...] <b>The CPT recommends that the Bulgarian authorities take effective steps to ensure that foreign nationals subject to coercive administrative measures (including those facing expulsion on grounds of national security) benefit from an effective legal remedy enabling them to have the lawfulness of their detention decided speedily before a judicial body. This judicial review should entail an oral hearing with legal assistance, if necessary provided free of charge to the person concerned, and interpretation. Moreover, detained foreign nationals should be expressly informed of this legal remedy.</b></p>	2012	2019

# Bilateral/Multilateral agreements linked to readmissions

Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date
	Lebanon	2003	2018
	Armenia	2008	2018
	Georgia	2003	2018
	Uzbekistan	2004	2018
	Kosovo	2012	2018
	Hungary	1999	2018
	Finland	1999	2018
	Hong Kong (EU agreement)	2007	2018
	Macao (EU agreement)	2007	2018
	Sri Lanka (EU agreement)	2007	2018
	Albania (EU agreement)		2018
	Russia (EU agreement)	2007	2018
	Ukraine (EU agreement)	2008	2018
	Macedonia (EU agreement)	2008	2018
	Bosnia-Herzegovina (EU agreement)		2018
	Montenegro (EU agreement)	2008	2018
	Serbia (EU agreement)	2008	2018
	Moldova (EU agreement)	2008	2018
	Pakistan (EU agreement)	2010	2018
	Georgia (EU agreement)	2011	2018
	Cape Verde (EU agreement)	2014	2018
	Germany	1995	2017
	Germany	2006	2017
	Austria	1998	2017
	Belgium	2005	2017
	Spain	1997	2017
	Spain	1999	2017
	Estonia	2003	2017
	Finland	2004	2017
	France	1997	2017
	Greece	1998	2017
	Ireland	2003	2017
	Italy	1998	2017
	Latvia	2002	2017
	Luxembourg	2005	2017
	Netherlands	2005	2017
	Poland	1994	2017
	Portugal	1998	2017
	Romania	2000	2017
	Czech Republic	1998	2017

Bilateral/Multilateral agreements linked to readmissions			
Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date
	Czech Republic	2005	2017
	United Kingdom	2004	2017
	Slovakia	2007	2017
	Slovenia	2000	2017
	Sweden	1999	2017
	Norway	1999	2017
	Switzerland	2009	2017
	Albania	2003	2017
	Bosnia and Herzegovina	2008	2017
	Croatia	2003	2017
	Macedonia	2002	2017
	Serbia	2010	2017
	Russian Federation	2012	2017
	Ukraine	2002	2017
Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recommendation Issued	Year Issued	Observation Date
	No	2011	2019
	Yes	2015	2019

INSTITUTIONAL INDICATORS		
Governing structures		
Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2019
Governing structures		
Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2019



Institutions responsible for immigration detention															
Custodial authority	Agency				Ministry		Ministry Typology				Observation Date				
	Migration Directorate				Ministry of the Interior		Interior or Home Affairs				2019				
	State Agency for Refugees				Council of Ministers		Executive				2016				
	Migration Directorate				Ministry of the Interior		Interior or Home Affairs				2015				
	Migration Directorate				Ministry of the Interior		Interior or Home Affairs				2014				
	Migration Directorate				Ministry of the Interior		Interior or Home Affairs				2013				
	National Service Border Police				Ministry of Interior						2011				
	National Service Border Police				Ministry of Interior		Interior or Home Affairs				2011				
	National Service Border Police				Ministry of Interior						2010				
	National Service Border Police				Ministry of Interior		Interior or Home Affairs				2010				
Institutions responsible for immigration detention															
Detention Facility Management	Entity Name						Entity Type				Observation Date				
	Migration Directorate. Ministry of Interior.						Governmental				2013				
Institutions responsible for immigration detention															
Formally designated detention estate?	Formally designated immigration detention estate?					Types of officially designated detention centres								Observation Date	
	Yes					Dedicated immigration detention facilities								2016	
Institutions responsible for immigration detention															
Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes							Yes							2017
	Yes														2016
															2016
Detention monitoring institutions															
Authorized monitoring institutions	Institution					Institution Type								Observation Date	
	Bulgarian Ombudsman					National Human Rights Institution (or Ombudsperson) (NHRI)								2019	
	Commission for Protection against Discrimination					National Human Rights Institution (or Ombudsperson) (NHRI)								2019	
	Ombudsman of the Republic of Bulgaria					OPCAT National Preventive Mechanism (NPM)								2019	
	Bulgarian Helsinki Committee,					Non-Governmental Organizations (NGO)								2019	
	Bulgarian Red Cross					Non-Governmental Organizations (NGO)								2019	
	ACET Centre for Torture Victims					Non-Governmental Organizations (NGO)								2019	
Detention monitoring institutions															
Is the national human rights institution (NHRI) recognized as independent?	Is the NHRI recognized as independent by the International Coordinating Committee of National Human Rights Institutions?										Observation Date				
	No										2017				
	No										2016				



Detention monitoring institutions		
Does NHRI carry out visits?	Does NHRI carry out visits in practice?	Observation Date
	Yes	2017
	Yes	2016
Detention monitoring institutions		
Does NHRI have capacity to receive complaints?	Does NHRI have capacity to receive complaints?	Observation Date
	Yes	2017
	Yes	2016
Detention monitoring institutions		
Does NHRI publicly release reports on immigration detention?	Does NHRI publicly release reports on immigration detention?	Observation Date
	Yes	2017
	Yes	2016
Detention monitoring institutions		
Does national preventive mechanism (NPM) carry out visits?	Does NPM carry out visits in practice?	Observation Date
	Yes	2017
Detention monitoring institutions		
Does NPM have capacity to receive complaints?	Does NPM have capacity to receive complaints?	Observation Date
	Yes	2017
	Yes	2016
Detention monitoring institutions		
Does NPM publicly release reports on immigration detention?	Does NPM publicly release reports on immigration detention?	Observation Date
	Yes	2017
	Yes	2016
Detention monitoring institutions		
Do NGOs carry out visits?	Do NGOs regularly carry our visits?	Observation Date
	Yes	2017
	Yes	2016
Detention monitoring institutions		
NGO capacity to receive complaints?	NGO capacity to receive complaints?	Observation Date
	No	2017
Detention monitoring institutions		
Do NGOs publish reports on immigration detention?	Do NGOs publish reports on immigration detention?	Observation Date
	Yes	2017
	Yes	2016

Detention monitoring institutions																
Do international and/or regional bodies (IRBs) visit immigration-related detention facilities?	Do international and/or regional bodies (IRB) regularly visit immigration-related detention facilities?													Observation Date		
	infrequently													2017		
Detention monitoring institutions																
Do IRBs publicly report their findings from inspections?	Do IRBs publicly report their findings from detention inspections?												Observation Date			
	Yes												2017			
Outsourcing and privatisation																
Types of privatisation/outsourcing	Types of Privatisation/Outsourcing										Observation Date					
	Food services										2017					
	Facility maintenance										2017					
	Other detention facility or detainee services										2017					
Outsourcing and privatisation																
Detention contractors and other non-state entities	Name of entity	Type of entity	Detainee transport	Food services	Health care	Social services	Laundry services	Legal counselling	Management	Owner of detention facility	Recreation	Security	Telephone service	Translation services	Observation Date	
	Aeroklima Bulgaria EOOD (Аероклима Бул ЕООД)	For profit								Yes					2017	
	Ronos OOD (Ронос ООД)	For profit							Yes						2017	
	Perun KKB EOOD (Перун ККБ ЕООД)	For profit							Yes						2017	
	ATC Bulgaria OOD (АТС България ООД)	For profit							Yes						2017	
	Yunis OOD (Юнис ООД)	For profit							Yes						2017	
	Yunis OOD (Юнис ООД)	For profit								Yes					2017	
	Klimatronik EOOD (Климатроник ЕООД)	For profit								Yes					2017	
	Elma Engineering OOD (Елма Инжинеринг ООД)									Yes					2017	
	Sektron OOD (Сектрон ООД)											Yes			2017	
	S and T Bulgaria EOOD (С & Т България ЕООД)									Yes					2017	
	Right Cleaning EOOD (Райт Клийнинг ЕООД)									Yes					2017	
	Nove Engineering EOOD (Нове Инжинеринг ЕООД)	For profit									Yes				2017	
	Kukuda group OOD (Кукуда груп ООД)	For profit									Yes				2017	
	SBI Trade EOOD (Си Би Ай Трейд ЕООД)	For profit									Yes				2017	

Expenditures			
Estimated annual budgets for particular detention-related activities	Individual detention-related activities	Estimated annual budget (in USD)	Observation Date
		Not available	2017
Foreign sources of funding for detention operations			
Does the country receive external sources of funding?	Benefitted from non-state funding sources?		Observation Date
	Yes		2017
Foreign sources of funding for detention operations			
Description of foreign assistance	Description of non-state assistance		Observation Date
	In 2017, 54 039 006, 67 BGN were assigned to the Ministry of Interior by the EU to cope with “the increased migratory pressure”. Currently the Migration Directorate implements the project "Implementation of Coercive Administrative Measures on Third-Country Nationals and Provision of Translation" under the National Program of Bulgaria under the AMIF. The deadline for the contract is October 14, 2018. Funding from the European Union amounts to € 750,000.		2017

More information about immigration detention in Bulgaria is available at the website of the Global Detention Project ([www.globaldetentionproject.org](http://www.globaldetentionproject.org))