

SUMMARY PROJECT FICHE

1. Basic Information

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|-----|------------------------|--|
| 1.1 | Désirée Number: | BG 0103.06 |
| | Twinning code: | BG/IB/2001-JH-02 |
| 1.2 | Title: | Strengthening the Refugees Agency |
| 1.3 | Sector: | AD |
| 1.4 | Location: | Bulgaria, Sofia, Agency for Refugees. |

2. Objectives

2.1. Overall objectives:

To align Bulgaria's asylum legislation to the EU acquis and to strengthen its administrative capacity to implement the relevant acquis.

2.2. Project purpose:

The purpose of this project is the creation of a reliable system for the handling of illegal immigration and the reception and maintenance of asylum seekers in accordance with EU standards and practices. This implies the development of sound policies and practices based on appropriate legislation, the Acquis Communautaire and international standards and the creation of adequate infrastructure in which to discharge these responsibilities and tasks.

2.3. Accession Partnership and NPAA priority

Short and medium-term Accession Partnership priorities

Implementation of the migration policy and asylum procedures in accordance with the Acquis of the EU and to up-grade facilities for asylum seekers and refugees.

NPAA

- Implementation of the migration policy and asylum procedures in accordance with the Acquis of the EU.
- Building and equipment of two transit centres for refugees
- Improvement of the legislation's base on asylum and refugees
- build infrastructure to accept refugees and adopt measures to facilitate social integration
- procedures to grant temporary protection.

3. Description

3.1 Background and justification:

The swift and effective handling of asylum seekers and refugees is a key element of EU policy and an integral part of national border management.

From 1 August 1999, Bulgaria has introduced a Law on Refugees, which seeks to formalise the organisation of the granting of asylum. This Law is a major step in the right direction. It establishes a legal procedure for asylum seekers upon arrival in Bulgaria.. However, the practical implementation of the law shows, that some of the provisions need improvement, with a view to its further harmonisation with the

European legislation and related international instruments. This matter has been elaborated in details in Phare Horizontal Programme National Action Plan 2000, annexed to the Fiche. On the basis of NAP 2000 a Future Report has been worked out and officially presented to the European Commission during the Closing PHP Conference in Nuremberg, November 2000.

However, the introduction of legislation alone cannot ensure the effective implementation of the system. In order to achieve this, it is essential that the Bulgarian Agency for Refugees, the agency with primary responsibility for these matters, be properly staffed, trained and adequately resourced for the task.

The Bulgarian Authorities are aware of these factors and their priorities under the NAP 2000 and NPAA reflect the requirements to enhance institutional capacity through the training of staff, the building of two refugee transit centres and the development of social inclusion policies for those granted protection under the system. Indeed, reflecting the inter-agency dimension of the problem, the AR has already created an inter-agency working group with the task to determine the types of transit centres that the Agency will operate.

Therefore this project is aimed at assisting the Agency for Refugees in its moves to meet the key elements of this programme. The EC Phare Project will provide a Pre-Accession Advisor, assisted by medium and short-term experts, to assist the Agency develop a comprehensive training programme for all staff members and those of other border management agencies involved in the processing of refugees and asylum seekers. Furthermore, the PAA will supervise the conduct of a Technical Feasibility Study in order to determine the physical dimensions of the soon-to-be-built transit centres, a pre-requisite for additional future Phare funding. Finally, the PAA and short-term experts will give strategic advice and review the legislative base in this field and make recommendations in order to ensure that all the necessary legislation is in line with the Geneva Convention and be implemented accordingly. A small amount of equipment will be purchased as well.

3.2 Linked activities:

This project will be the first assistance within the frames of Phare National Programme, particularly targeted at the Bulgarian Agency for Refugees.

However, it should be noted that Phare assistance has been significant in related areas such as border management and in national legislative reform. Additionally, it should be noted that the Technical Feasibility Study on the construction of two transit centres is a key pre-investment activity. The EC Phare Programme and the Council of Europe have both earmarked funding to support the construction of these facilities. Finally, the Agency has received advice from EU experts operating under the Phare Horizontal Programme and under bilateral programmes.

3.3 Results:

The concrete results of this project will be:

SUB-PROJECT 1: Training

- The senior management of the Agency for Refugees trained in project management
- All staff (including staff from the Ministry of Interior involved in accelerated procedure) trained in new interview techniques related to the handling and processing of refugees
- All staff trained in asylum case processing
- Familiarisation with policy and practices of EU asylum agencies
- Limited task-related language training programme for the staff of the Agency for refugees, dealing with asylum cases and interview.

SUB-PROJECT 2: Legislative Review

- Bulgarian legislation in the field of asylum and in particular the Refugee Law revised
- amendments necessary to bring Bulgarian Law into line with EU Acquis and international standards drafted and presented to Parliament
- National Action Plan revised and updated
- Regulations concerning the detention of asylum seekers drafted and ready for implementation.

SUB-PROJECT 3: Technical Feasibility Study on Transit Centres

- Finalisation of a detailed technical feasibility study on the transit centres for refugees, which are a priority for the development the existing asylum infrastructure, sufficiently comprehensive to allow both the EC and Council of Europe to provide the financial assistance for building the two centres.

SUB-PROJECT 4: Strategic Advice

- Development Plan for the Agency designed
- International co-operation with MS agencies, international organisations and NGOs enhanced
- working regime for the staff at the existing registration centres and those who will run the new transit centres revised.
- Set of crisis management response measures developed

SUB-PROJECT 5: Procurement of Training Equipment

- Limited amount of training and office equipment procured, installed and operational

3.4 Activities:

SUB-PROJECT 1: Training

These training courses are for Refugee Agency staff, experts and officers of the Ministry of the Interior, involved in the accelerated procedure for granting refugee status under the provisions of the Refugee Law as well as judges dealing with appeal cases. Emphasis will also be given to training trainers in appropriate training programmes.

- The training of key management staff of AR only in project management
- The design and implementation of a course in Interviewing techniques
- The design and implementation of a course in Aspects of National and International Refugee Laws in line with the Acquis Communautaire
- The facilitation of seminars on countries of origin
- The design and implementation of a course on the processing of asylum cases
- Cultural Awareness seminars for AR staff (to familiarize with the national cultural characteristics of the refugees) and social inclusion policy, such as the integration of refugees
- Organisation of study visits for AR staff to MS facilities in order to familiarize with policy and practices of EU asylum agencies
- Specialized training in interview techniques in English language.

SUB-PROJECT2: Legislative Review

- Review of national legislation on refugee and asylum matters against the background of the relevant *acquis communautaire*
- Review of National Action Plan
- Specific Review of all provisions in the Refugee Law related to accelerated procedure, the exclusion clauses and their implementation.
- Advise on drafting detention of asylum seeker regulations, particularly if transit centres will be operated as closed centres. This matter shall also be reflected in the Refugee law.

SUB-PROJECT 3: Technical Feasibility Study on transit centres

- Provision of suggestions and drawings of the two buildings and provision of discrete advice on matters such as utilities, number and types of rooms, security provisions etc.
- Estimation of costs of the construction of each building, including necessary infrastructure
- Estimation of costs of the equipment necessary to operate the centres, including furniture, kitchen and sanitary equipment, showers and administrative equipment
- Estimation of running costs including salaries, food, clothes, medical facilities etc.

(In case the authorities decide to refurbish buildings, the same assessment will be necessary for the existing infrastructure.)

SUB-PROJECT4: Strategic Advice

- Create a new management plan for implementation throughout the organisation, including the new facilities, including developmental milestones and competence benchmarks
- Facilitate national and international contacts through bespoke contact programmes
- Develop a staffing plan with appropriate career development opportunities and adequate review procedures
- Assess the potential problems related to extraordinary levels of applications of asylum seekers and the handling of refugees and create adequate response measures in full consultation with other related agencies

SUB-PROJECT 5: Procurement of training equipment

- The identification of a small amount of appropriate training support equipment and office equipment
- The elaboration of technical specifications for this equipment

(Remark : the attached list of equipment is only indicative and will be specified in more detail with assistance of the PAA)

Sub-projects 1 to 4 will be implemented via twinning. Sub-project 5 will be implemented through a normal supply contract following DIS rules.

The PAA will be attached to the Agency for Refugees for a period of **18 months** and will be assisted by a number of medium and short-term experts.

The profiles of the experts required are as follows:

PAA

- Strong practical and theoretical experience in the field of asylum/refugees and migration
- Preferably an established manager of a medium-sized refugee agency or experience of running an asylum centre
- Practical experience in developing institutional enhancement policies
- Familiar with Change Management
- Ability to manage a number of national experts working simultaneously on training modules

Legal Experts

- Comprehensive knowledge of the EU-Acquis in the field of asylum and migration
- Practical experience in the field of asylum
- Experience in drafting laws and other regulations, preferably in the field of asylum and immigration

Technical Feasibility Study

- Architect
- Civil engineer
- Cost manager

Training

An important role will be reserved for a training development advisor, whose primary task will be to assist the AR develop appropriate training modules within an overarching training programme. In particular, this expert will assist the PAA in facilitating the training programme.

- The training expert must be an experienced Training Development Advisor and experience in a MS training establishment would be beneficial
- Experience of planning, designing and implementing multi-module training programmes
- Preparedness to stay in country for extended periods
- The short term experts are required to have extensive knowledge in their specific fields

The AR will ensure that appropriate technical expertise is available in order to locally procure training equipment.

4. Institutional Framework

The principal beneficiary of this project is the Bulgarian Agency for Refugees which is acting under the responsibility of the Bulgarian Council of Ministers. The Agency is small, with 96 staff members in their registration centres and Sofia-based HQ. The Agency will manage this project, creating a small Steering Committee within the HQ. However, given the relative inexperience in project management matters, as reflected in the training required for key staff, the senior staff of the Agency will be assisted, at least in the initial stages of the project, by the PAA and the CFCU. The final result of this project should be that the institutional framework is strengthened compared to the starting situation.

5. Detailed Budget

	Phare	Support			
	Investment Support	Institution Building	Total Phare (=I+IB)	National Cofinancing*	I F I * TOTAL
Contract 1		1M €			1M €
Contract 2	75.000 €			25.000 €	100.000€
Total	75.000€	1M €	1.075 M€	25.000€	1.100.000 M€

** In cases of co-financing only*

Cofinancing is obligatory (25%) also for IB projects. The AR will provide 25% co-financing(in cash).

6. Implementation Arrangements

6.1 Implementing agency

The CFCU in Sofia has responsibility for the implementation of this project. The CFCU will work closely together with the beneficiary - the Bulgarian Agency for Refugees (AR).

PAO:

Deputy Minister of Finance
Mr. Plamen Oresharski
1040 Sofia, 102 "Rakovskistr."
tel. 00359 2 985 92 766
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The Agency for Refugees, represented by
Mr. Bojko Antonov, president of the Agency
1618 Sofia, 21 A "Montevideostr."
tel. 00359 2 955 99 05
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will ensure full ownership of the project and a management team will be created to handle all aspect of implementation.

The CFCU Sofia will work with the AR to ensure that all tendering procedures follow Phare standard procedure.

6.2 Twinning

This project will be implemented through twinning. The leader of the team for the twinning preparation will be:

Mr. Plamen Netzov, Secretary General of the Agency
1618 Sofia, 21 A "Montevideostr."
tel. 00359 2 955 99 05
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In all twinning projects, success in delivering a guaranteed result will depend on the coherence of a number of successive inputs, the continuity of those inputs, and steady progress. Every twinning project will therefore include a Member State Project Leader, who continues to work in his/her Member State administration but who devotes some of his/her time to conceiving, supervising and coordinating the overall thrust of the project. S/he will always be complemented by at least one full-time expert, known as a Pre-Accession Advisor (PAA), from a Member State to work on a day-to-day basis with the beneficiary in the candidate country and accompany the implementation of the twinning project.

In case the twinning selection procedure does not prove to be successful, the twinning component under this project will be tendered following standard DIS rules.

6.3 Non-standard aspects

NA

6.4 Contracts

Two contracts are foreseen : One twinning contract for 1Meuro will be concluded and one supply contract of 100.000 €.

7. Implementation Schedule

- 7.1 Start of tendering 4Q/2001
- 7.2 Start of project activity 2Q/2002
- 7.3 Project Completion 4Q/2003

8. Equal Opportunity

The AR, like all Bulgarian state agencies, is an equal-opportunity employer.

9. Environment

NA

10. Rates of return

NA

11. Investment criteria

NA.

12. Conditionality and sequencing

- Projects implemented through twinning require the full commitment and participation of the senior management of the beneficiary institution. In addition to providing the twinning partner with adequate staff and other resources (incl. translation and interpretation) to operate effectively, the senior management must be whole-heartedly involved in the development and implementation of the policies and institutional change required to deliver the project results.
- Two AR experts have been nominated and have already started receiving training in Phare and Twinning procedures, which will be completed prior to the start of the twinning selection meetings taking place in Sofia. Their task will be to assist the staff of the Agency for Refugees in co-drafting the twinning covenant together with the selected Member State. Once the covenant approved, these experts will be integrated in the management team to ensure a smooth implementation of the covenant.
- Before signing the FM, the Agency for Refugees will acquire state-owned land, where the centres will be constructed or buildings, which would be transferred into transit centres.
- The Agency for Refugees, with the help of the PAA and the other experts, will finish the technical feasibility study on transit centres and the judicial review within the first 8 months of the commencement of the project.
- The Agency for Refugees shall take full ownership of this project and will accept all project management responsibilities after the project management training foreseen in the programme.

The important milestones of this project will be:

- * Management training of senior staff completed at end of 2Q
- * Full Bulgarian Project Management commences beginning of 3Q
- * Legislative Review completed at end of 2Q
- * Feasibility Study completed at end of 3Q (Meaning by the 1st of October 2002 so that it can be integrated as the basis for the Phare investment programme for 2003)
- * Development of Training Programme completed at end of 2Q

ANNEXES

1. Log-frame in standard format
2. Detailed cost breakdown in the same format as the overall project budget
3. Detailed implementation time chart in standard format.
4. Law on Refugees
5. O R D I N A N C E No. 78 of May 9, 2000 for approval of the Rules and Procedures of the Agency for Refugees at the Council of Ministers
6. Phare National Action Plan 2000
7. Identification of training and office equipment

ANNEX 1

Phare log frame

LOGFRAME PLANNING MATRIX FOR Project	Programme name and number	
<i>Strengthening of the infrastructure and Institutional capacity of the Bulgarian Agency for Refugees</i>	Contracting period expires: 30 November 2003	Disbursement period expires: 30 November 2004
	Total budget : 1.1 MEURO	Phare budget : 1.075 MEURO

Overall objective	Objectively verifiable indicators	Sources of Verification	
To align Bulgaria's asylum legislation to the EU acquis and to strengthen its administrative capacity to implement the relevant acquis.	<ul style="list-style-type: none"> • Introduction of new system for the handling and processing of asylum seekers • Compliance with EU Aquis on asylum • Compliance with international standards 	<ul style="list-style-type: none"> • Successful implementation of NPAA • Regular Report • Bulgarian National Authorities and EC 	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
The purpose of this project is the creation of a reliable system for the handling of illegal immigration and the reception and maintenance of asylum seekers in accordance with EU standards and practices. This implies the development of sound policies and practices based on appropriate legislation, the Aquis Communautaire and international standards and the creation of adequate infrastructure in which to discharge these responsibilities and tasks.	<ul style="list-style-type: none"> • Enhancement of institutional capacity of the Bulgarian Agency for Refugees • Review and modification of appropriate legislation • Design of two Refugee Transit Centres 	<ul style="list-style-type: none"> • Assessment of new training programmes, new legislation and the full and effective functioning of two new transit centres • Regular Report, Project Reports of PAA • Bulgarian National Authorities, PAA, EC Delegation in Sofia • UNHCR reports 	<ul style="list-style-type: none"> • The full and active participation of the AR, in particular higher management • The recruitment of a qualified PAA and the subsequent recruitment of short-term experts • The conducting of a full technical feasibility study for the development of the two centres for refugees
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<ul style="list-style-type: none"> • An effective and highly trained Agency for Refugee staff at all levels which leads to an all round enhancement of institutional capacity • New legislation in line with EU and international standards • Two new transit facilities for refugees at the Kapitan Andreevo Crossing Point on the Bulgarian-Turkish Border and a Sofia Airport. • Strategic advice regarding development plan, international co-operation and crisis management response measures • Limited amount of training and office equipment procured, installed and operational 	<ul style="list-style-type: none"> • Training Programme for senior management and operational staff • Legislative Review and the drafting of new legislation if required • Technical feasibility study on the creation of two transit centres • The provision of strategic advice on the development of the Agency • The procurement of equipment linked to training 	<ul style="list-style-type: none"> • Regular reports of the PAA and the short-term experts and the reports of the Bulgarian Authorities • Annually, monthly and at the end of each specific mission or task • PAA, AR, EC Delegation • UNHCR reports 	<ul style="list-style-type: none"> • The full and active participation of all staff members of the AR • Full Bulgarian National Authority participation in addressing questions of legislation and particularly in the drafting of new legislation • A lack of inter-agency co-operation • Full Bulgarian assistance in conducting the technical feasibility study on the development of transit centres • Delays in finding appropriate short-term national experts

Activities	Means		Assumptions
<p>The activities foreseen under this project include:</p> <p>SUB-PROJECT 1: Training</p> <ul style="list-style-type: none"> • The training of key management staff of the AR in project management • Staff training in interviewing techniques • Training on legal aspects of Refugee Handling • Training on processing and handling of refugees • Study Tours to EU MS <p>SUB-PROJECT 2: Legislative Review</p> <ul style="list-style-type: none"> • Review of appropriate national legislation • Bringing the legislation in full compliance with EU and international standards • Review of the Accelerated Procedure • Specific Review of Articles 45, 46 and 47 regarding split competences • Review of NAP 2000 and the Future Report <p>SUB-PROJECT 3: Feasibility Study</p> <ul style="list-style-type: none"> • Design of two transit centres for refugees • The production of a Technical Feasibility Study acceptable to the donors regarding the full technical and financial implications • Advice on equipment requirements including utilities, administrative and accommodation • Estimation of traditional running costs <p>SUB-PROJECT 4: Strategic Advice</p> <ul style="list-style-type: none"> • The introduction of a new Management Plan for AR • The establishment of regular national and international contacts in relation to core issues • Prepare a new staffing plan which highlights career development and progression <p>SUB-PROJECT 5: Procurement of Equipment</p> <ul style="list-style-type: none"> • Identification of requirements • Elaboration of technical specifications • The introduction of new equipment to facilitate training within the AR 	<ul style="list-style-type: none"> • Traditional twinning covenant (one principal PAA, assisted by a number of medium and short-term experts) • Contract for purchasing of equipment for training centre within the AR 	<ul style="list-style-type: none"> • Reports of PAA and Short-term experts • During and after all activities associated with the overall project • The PAA, AR and the EC Delegation, Sofia • UNHCR reports 	<ul style="list-style-type: none"> • The AR to provide administrative support to the PAA and short-term experts whilst in country • Full Bulgarian assistance in the conduct of all reviews and studies • The procurement of appropriate equipment <p>Preconditions:</p> <ul style="list-style-type: none"> • From 1 August 1999 Bulgaria has introduced a Law on Refugees • The Council of Ministers adopted by its Ordinance N 78/09.05.2000 the Regulations for the Structure of the Agency for Refugees

ANNEX 2 DETAILED TIME IMPLEMENTATION CHART FOR THE PROJECT

Sub-Projects	4Q 2001	1 Q 2002	2 Q 2002	3 Q 2002	4 Q 2002	1Q2003	2 Q 2003	3 Q 2003	4 Q 2003	1 Q 2004	2 Q 2004	3 Q 2004	4Q 2004
TWINN ING	FTC	I	I	I	I	I	I						
Contract for supply of equipment			T	I									

FINALISATION TWINNING COVENANT/TENDERING

IMPLEMENTATION

FINALISATION

ANNEX 3**CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE**

All figures in million Euro

	4Q 2001	1Q 2002	2Q 2002	3Q2002	4Q2002	1Q 2003	2Q 2003	3Q 2003	4Q 2003	1Q 2004	2Q 2004	3Q 2004	4Q 2004
Contract 1 Technical Assistance													
Contracted		1											
Disbursed		0,1	0,3	0,5	0,7	0,85	1						
Contract 2 Investment													
Contracted*		0,1											
Disbursed		0,1											

- NB: 1. All contracting should normally be completed within 6-12 months and **must** be completed within 24 months of signature of the FM.
2. All disbursements **must** be completed within 36 months of signature of the FM.

ANNEX 4

THE REPUBLIC OF BULGARIA THIRTY EIGHTH NATIONAL ASSEMBLY

LAW on REFUGEES

Chapter One GENERAL PROVISIONS

Art. 1. This Law shall lay down the conditions and procedure for granting refugee status, the rights and obligations of the refugees as well as the State authorities and their competencies in respect of the protection of refugees in the Republic of Bulgaria.

Art. 2. (1) A refugee within the meaning of this Law shall be a foreigner who has a well-founded fear of persecution due to his race, religion, nationality, membership of a particular social group or political convictions and who is outside the country of his nationality or, where he is stateless, outside the country of his permanent residence, and for these reasons is unable or unwilling to avail himself to the protection of that country nor return thereto.

(2) Refugees shall also be deemed the spouses of refugees and their minor children unless special circumstances dictate otherwise.

Art. 3. Asylum is the protection afforded by the Republic of Bulgaria to foreigners persecuted for their beliefs or activity in defence of the internationally recognised rights and freedoms. It shall include refugee status, humanitarian protection and right of asylum under Art. 98, item 10 in relation to Art. 27, paragraphs 2 and 3 of the Constitution of the Republic of Bulgaria.

Art. 4. (1) The Republic of Bulgaria shall implement its obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 United Nations Protocol Relating to the Status of Refugees through its state authorities in co-operation with the United Nations High Commissioner for Refugees.

(2) The United Nations High Commissioner for Refugees through its Liaison Office for Bulgaria shall have the right to information and access to each and any phase of the procedure. He may acquaint himself with each file and express written or oral opinion on each and every case before the competent authorities.

Art. 5. The powers under this Law shall be exercised by qualified officials. They shall establish all facts and circumstances and shall provide aid and assistance to foreigners seeking asylum.

Art. 6. (1) Any foreigner may apply for refugee status in the Republic of Bulgaria in accordance with the provisions of this Law.

(2) To request refugee status is the foreigner's right which shall be exercised voluntarily in oral, written or any other form.

(3) A foreigner who has entered the Republic of Bulgaria in order to seek refugee status may not be returned to the territory of the country where his freedom or life are threatened for reasons of race, religion, nationality, membership to a particular social group or political convictions.

(4) A foreigner who has illegally entered the Republic of Bulgaria in order to seek refugee status shall not be punished for this offence if he comes directly from a territory where his life and freedom have been threatened within the meaning of Art. 1 of the Convention

Art. 7. The refugees and applicants for refugee status shall bear civil, administrative and criminal liability under the terms and conditions applicable to Bulgarian nationals, unless otherwise provided for by this Law.

CHAPTER TWO

REFUGEES

Division 1

Refugee Status

Art. 8. An applicant for refugee status shall be a foreigner who has declared before the competent authorities, orally, in writing or in any other form that he is a refugee and is willing to avail himself to the protection of the Republic of Bulgaria under the terms of this Law until a final decision has been rendered in respect of his application.

Art. 9. A foreigner shall obtain refugee status when the competent State authority or the court have established that he meets the conditions of the Convention Relating to the Status of Refugees, of the Protocol Relating to the Status of Refugees and of this Law.

Division II

Humanitarian Protection

Art. 10. Humanitarian protection is the temporary protection granted by the Republic of Bulgaria to persons who have been compelled to leave the country of their nationality, or where they are stateless, the country of their permanent residence, for reasons of internal or international armed conflicts, serious violation of human rights, foreign aggression, as well as for the reasons indicated in the Conclusions of the Executive Committee of the UNHCR Programme.

Art. 11. Humanitarian protection shall be granted for a period of one year. This period may be prolonged by another year where the grounds for humanitarian protection have not ceased to exist.

Art. 12. The status specified in the foregoing Article shall also be granted to a foreigner who is within the territory of Bulgaria and is recognised as a refugee under the mandate of the UNHCR.

Division III

Grounds for Refusal

Art. 13. (1) Refugee status shall not be granted to a foreigner:

- 1.** with respect to whom there are serious grounds to believe that he has committed an offence, which pursuant to the national laws or the international treaties to which the Republic of Bulgaria is a party, is defined as a war crime or crime against peace and humanity;
- 2.** with respect to whom there are serious grounds to believe that he has committed a grave non-political crime outside the territory of the Republic of Bulgaria;
- 3.** with respect to whom there are serious grounds to believe that he commits or incites towards actions contrary to the purposes and principles of the United Nations;
- 4.** with respect to whom it is established by court that he has committed a crime against the Republic of Bulgaria or another crime constituting a particularly heavy case;
- 5.** who benefits from the protection or assistance provided by bodies or organisations of the United Nations other than the UN High Commissioner for Refugees;
- 6.** who holds a permit for permanent stay in the Republic of Bulgaria or such a permit issued by a third safe country;
- 7.** who is a national of two or more countries, and in one of those countries the conditions under Article 2 above do not exist in respect of the foreigner;

8. with respect to whom refugee status has been refused, discontinued or withdrawn by virtue of a decision that has come into effect in the Republic of Bulgaria or in a third safe country, and provided that no new circumstances within the meaning of Art. 2 of this Law have occurred;

9. who has a refugee status guaranteed in a third safe country or in another country by virtue of a treaty.

(2) Refugee status shall also not be granted to a foreigner whose application is manifestly unfounded or who deliberately misleads the competent authorities in order to misuse the procedure for granting refugee status, where:

1. the grounds of the application are outside the scope of this Law;
2. he provides no indications of reasoned fear of persecution or his story contains no detailed description of the circumstances or the personal details necessary to clarify the case;
3. the facts claimed by him are manifestly lacking in any credibility, contradictory and inconsistent;
4. claimed persecution is limited to a specific geographical area where effective protection is readily available for that individual in another part of his own country to which it would be reasonable to expect him to go, in accordance with Article 33.1 of the Convention on the Status of Refugees;
5. he presents himself under false identity or with used, forged or counterfeit documents which, during the procedure, he continues to maintain are genuine;
6. either orally or in writing, deliberately submits false, or withholds important, information about his case;
7. in bad faith destroys, damages or disposes of any passport, other document or ticket relevant to his claim, either in order to establish a false identity or to make the consideration of his application more difficult;
8. deliberately fails to reveal that he has previously lodged an application in another safe country - party to the Convention on the Status of Refugees, particularly when false identity is used;
9. having had ample earlier time and opportunity to submit an application, submits the application in order to forestall an impending administrative measure such as "withdrawal of right to temporary residence", "coercive leading off to border", "expulsion", or "extradition";
10. flagrantly fails to comply with substantive legal obligations relating to the procedure for granting refugee status or humanitarian protection;
11. submits an application in one of the countries-parties to the Convention after having had his application rejected in another country following an examination comprising adequate procedural guarantees and in accordance with the Geneva Convention Relating to the Status of Refugees.

Art. 14. Refugee status may not be granted to a foreigner, who:

1. is a national of or, where he is stateless, resides permanently in a country considered to be a safe country of origin;
2. prior to his entry in the Republic of Bulgaria in order to seek protection as a refugee, has passed through and stayed in a third safe country for a time longer than is normally needed for reaching Bulgaria or has resided in such country and is unable to state objective reasons for the delay;
3. holds a valid permit to stay in another country where the conditions under Article 2 above do not exist in respect of that refugee;
4. has been granted refugee status or a procedure for granting refugee status is pending in another country in which the conditions under Art. 2 do not exist in respect of him;
5. has a spouse who is a national of another country or who has been granted refugee status in another country in which the conditions under Art. 2 do not exist in respect of the refugee and there are no material obstacles for the him to re-unite with his family in that country;
6. has been expelled from the Republic of Bulgaria in compliance with an imposed administrative measure such as "withdrawal of right to temporary residence", "coercive leading off to border", "expulsion", or "extradition" and the measure "prohibition for entry into the country" has not been reversed or dropped off;

7. has legally entered and temporarily stayed in the country and within the course of 72 hours failed to declare before a State authority that he is a refugee except for the cases where the delay is due to compelling reasons or where during his stay in the territory of the Republic of Bulgaria in the country of his nationality or, where he is stateless, in the country of his permanent residence have occurred circumstances which make it justified for that person to fear persecution within the meaning of Article 2 in the country of his nationality or, where he is stateless, the country of his permanent residence;

8. has illegally entered the country and has failed to state forthwith before a competent authority his wish to be granted refugee status unless he has been prevented from doing so for good reasons;

Art. 15. Once granted refugee status shall be withdrawn where any of the grounds under Art. 13, is established in respect of the refugee.

Art. 16. (1) Once granted the refugee status shall be discontinued when:

1. the refugee voluntarily requests so in writing;
2. the refugee voluntarily avails himself to the protection of the country of his nationality;
3. the refugee, after having lost his nationality, re-acquires it voluntarily;
4. the refugee has acquired the nationality of another country and benefits from the protection of that country;
5. the refugee has voluntarily re-established himself in the country which he had left or outside which he had stayed for fear of persecution;
6. the refugee has acquired Bulgarian nationality;
7. the refugee has deceased.

(2) once granted the refugee status may be discontinued where:

1. the refugee has induced false data which served as grounds for granting refugee status, or has concealed significant facts or circumstances which are relevant to the grant of refugee status;
2. the refugee can no longer continue to refuse the protection of the country of his nationality because the reasons for his fear of persecution have beyond any reasonable doubt ceased to exist.
3. the refugee, being a stateless person, can return to the country of his former permanent residence because the reasons for his fear of persecution have beyond any reasonable doubt ceased to exist.

Art. 17. The discontinuance or withdrawal of the refugee status shall not repeal the status of the other members of his family unless the data or the circumstances under Art. 15 or 16 are established in respect of them as well.

CHAPTER THREE RIGHTS AND OBLIGATIONS OF REFUGEES

Division 1

General Rights and Obligations of Refugees

Art. 18. No restrictions of the rights and privileges of refugees or applicants in the procedure for granting refugee status shall be allowed on grounds of race, nationality, ethnic affiliation, sex, origin, religion, educational background, convictions or political affiliation.

Art. 19. Members of the family accompanying a refugee, in respect of whom proceedings for granting refugee status are pending or, who has been granted refugee status, shall have the same rights and obligations as the refugee in question.

Art. 20. Refugees are entitled to and assistance and aid from the UN High Commissioner for Refugees and other organisations.

Art. 21. Every refugee shall have the right to profess his own religion, while taking into consideration the Bulgarian traditions and not violating the rights of Bulgarian or foreign nationals.

Art. 22. (1) Minor refugee who is within the territory of the Republic of Bulgaria without his parents, as well as a refugee who by birth or as consequence of an illness fails to understand the nature and the meaning of his acts shall be represented by a guardian or tutor appointed by the court.

(2) Where the refugee mentioned in the above paragraph does not have a guardian or tutor, the Agency for Refugees shall make a proposal before the regional court of residence for appointing such a guardian or tutor.

Art. 23. (1) A foreigner who has been granted refugee status, asylum, or humanitarian protection in another Country– Party to the 1951 UN Convention relating to the Status of Refugees, and when possessing a travelling document, issued by the competent authorities of that State, shall have the right to enter, stay in and leave the territory of the Republic of Bulgaria in compliance with the visa regime that is in effect for the nationals of the country in question.

(2) Where a foreigner under the foregoing paragraph is allowed to stay for more than three months or where he obtains a permit for permanent stay in the Republic of Bulgaria, he shall be issued with an identity document by the respective service for administrative control on foreigners of the Ministry of the Interior in accordance with the procedure and conditions laid down by the law.

Art. 24. Refugees who stay in the territory of the Republic of Bulgaria shall be obliged to observe the established legal order.

Division II

General Rights and Obligations of Refugees during the Procedure

Art. 25. During the procedure for granting refugee status the refugee shall be entitled to:

- 1.** to a translator or interpreter registered at the Agency for Refugees;
- 2.** to receive an interim refugee identity card;
- 3.** to shelter and food;
- 4.** to social support, free psychological assistance, health insurance, accessible medical assistance and free medical treatment within the limits afforded to Bulgarian nationals;
- 5.** to continue his education until he graduates from a secondary school, in accordance with the procedure and conditions laid down by the Agency for refugees and the Ministry of Education;
- 6.** to be engaged in labour activities organised by the Agency for Refugees;

Art. 26. (1) Minor applicants for refugee status unaccompanied by their parents shall be entitled to financial and material assistance equal to the one provided for adult refugees, as well as to free education till graduation from high school. The Agency for Refugees shall provide them with the necessary educational materials required for the normal course of the study process.

(2) Single mothers with many children in respect of whom there is a pending procedure for granting refugee status when accompanied by at least three minor children shall be entitled to financial assistance for the eldest child equal to the one provided for an adult refugee granted from the Agency for Refugees.

Art. 27. During the procedure for granting refugee status the refugee shall be obliged:

- 1.** to fulfil the orders and refrain from hindering the officials to perform their official duties;
- 2.** to submit all documents possessed by him which may help to establish his identity and nationality, as well as the method of entering the country (issued visas, permits for stay in other countries, flight or other tickets, other evidence for his itinerary from the Country of origin);

3. where the refugee does not possess the documents under item.2, he shall certify his identity, date and place of his birth and his family status by means of a declaration written by his own hand, for the truthfulness of which he shall bear criminal liability under Art. 313 of the Criminal Code;
4. To observe the rules for the internal order of the transit, registration, reception or integration centres and preserve the property that has been given to him for use;
5. to stay at addresses authorised for him by the Agency for Refugees and always be at its disposal;
6. not to leave the territory of the Republic of Bulgaria without the permission of the Agency for Refugees;
7. to cooperate for the clarification of his case by providing the competent authorities with full and true information.

Art. 28. (1) A refugee who has been granted refugee status shall acquire the rights and obligations of a Bulgarian national with the exception of:

1. the right to vote and to be elected;
2. the right to take positions in the state administration for the occupation of which Bulgarian nationality is required by the law;
3. the right to be a member of the Bulgarian Army;
4. other restrictions, provided for by the law.

(2) The refugee shall have the right to acquire immovable property under the terms and conditions provided for in respect of permanently residing foreigners.

Art. 29. (1) A refugee who has been granted refugee status shall have the right to a refugee identity card and a certificate for travelling abroad that shall be issued under the terms and conditions provided for by the Law on Bulgarian Identity Documents and the Convention relating to the Status of Refugees.

(2) For the period of its validity the travel certificate referred to in the above paragraph shall entitle its holder to enter and leave the territory of the Republic of Bulgaria under the terms and conditions applicable to Bulgarian nationals.

Art. 30. (1) During the procedure for granting refugee status as well as after being granted such status, the refugees must always carry with them their identity documents, preserve them from damages, destruction and loss, and show them for inspection at the request of the competent authorities.

(2) The refugees shall not be entitled to pledge or to receive as a pledge their identity documents, nor cede them to third parties or use the identity documents of third parties.

Art. 31. The refugee shall be obliged to appear, within 7 days after the receipt of a notice for granting refugee status, at the municipality of the inhabited area where his permanent residence must be established in order to be entered into the register for the population.

Art. 32. A refugee who has been granted refugee status shall be entitled to receive permission from the Chairman of the Agency for Refugees to reunite with his family in the territory of the Republic of Bulgaria. Entry visas to the members of the refugee's family shall be issued by the Bulgarian diplomatic or consular authorities after receipt of the permission from the Agency for Refugees provided that the grounds under Article 13, paragraph 1 ?? ??? ????.

Art. 33. The refugee shall have the right to apply for Bulgarian nationality under the terms and conditions provided for by the Law on Bulgarian Nationality.

Art. 34. A foreigner who has been granted humanitarian protection shall have rights and obligations not less favourable than those provided for the foreigners residing on a permanent basis in the territory of the Republic of Bulgaria.

CHAPTER FOUR SPECIALIZED STATE AUTHORITIES

Art. 35. The Agency for Refugees shall be a legal person financed through the State budget, at the Council of Ministers and having its seat in Sofia and it shall realise the policy of the Republic of Bulgaria with respect to the implementation of the UN Convention relating to the Status of Refugees in co-ordination with the competent agencies.

Art. 36. (1) The Agency for Refugees shall consist of a Central Service, Transit, Registration, Reception and Integration Centres.

(2) The Central Service of the Agency for Refugees shall be structured in accordance with the Law on Administration. The number of personnel of the Central Service shall be approved by the Council of Ministers.

(3) The Transit Centres shall be territorial offices of the Agency for Refugees for initial registration and provision of shelter and medical examination of the applicants for refugee status who have claimed they have such a quality at the regional border check-points or within close proximity thereto.

(4) The registration centres shall be territorial offices of the Agency for Refugees for registration, initial accommodation and medical examination of applicants for refugee status who have claimed they have such a quality in the territory of the Republic of Bulgaria outside the areas specified in paragraph 3 above.

(5) The reception centres shall be territorial offices of the Agency for Refugees ensuring shelter, social and medical support to the applicants for refugee status who have stayed for at least 15 days at a transit or registration centre, until the decision on the refugee status comes into effect.

(6) The integration centres shall be territorial offices of the Agency for Refugees for ensuring language training, vocational qualification and other activity indispensable for the integration of refugees in the Republic of Bulgaria.

(7) The transit, registration, reception and integration centres shall be opened and closed down by the Council of Ministers upon proposal by the Chairman of the Agency for Refugees in co-ordination with the Ministry of Finance, the Ministry of the Interior, the Ministry of Labour and Social Policy, the Ministry of Justice and European Legal Integration, and the Ministry for Foreign Affairs.

Art. 37. The Agency for Refugees shall:

- 1.** organise the reception and interim accommodation of refugees in the territory of the Republic of Bulgaria and shall in co-operation with the Bulgarian Red Cross and other non-governmental organisations the render them help and assistance to adapt to the Bulgarian conditions; organise language training courses for refugees during the procedure for granting refugee status;
- 2.** organise, in interaction with the central bodies of the Executive, the Bulgarian Red Cross and other non-governmental organisations, the activities concerning the distribution in the territory of the country, the accommodation at work and the provision of social, medical and psychological assistance to refugees during the procedure for granting refugee status, as well as to those who have been granted such status;
- 3.** carry out, in interaction with bodies of local self-government and local administration, the Bulgarian Red Cross and other non-governmental organisations, dissemination work on refugee

problems amongst the population and the legal entities, organise charitable events for social support for the refugees;

4. issue certifying documents;

5. develop independently or take part in the preparation of drafts of legal instruments and international treaties dealing with refugee problems and develop programmes for the integration of refugees in the Bulgarian society;

6. undertake, jointly with the central bodies of the Executive and the bodies of local self-government and local administration, the Bulgarian Red Cross and other non-governmental organisations, organisational steps for the reception of refugees in exceptional situations; where necessary, in co-ordination with the Ministry of Foreign Affairs, the Agency for Refugees can second its employees to a diplomatic or consular authority in a safe country having a common border with risk countries on the way of a possible refugee flow.

7. co-operate with the UN High Commissioner for Refugees, the national refugee services in the States parties to the UN Convention relating to the Status of Refugees and to the Protocol relating to the Status of Refugees with the International Migration Organisation, the International Federation of Red Cross and Red Crescent Societies, the International Committee of the Red Cross, as well as with other international governmental and non-governmental organisations dealing with refugee problems and migration;

8. assign the carrying out of studies on and analyses on refugee problems, organise conferences and seminars and publish information material on the problems of refugees.

Art. 38. (1) The Agency for Refugees, together with the Ministry for Foreign Affairs, the International Federation of Red Cross and Red Crescent Societies, the International Committee of the Red Cross, shall provide assistance to the refugees before the authorities of another country or before an international institution in view of the acquisition of documents necessary to exercise their civil rights.

(2) Where a refugee cannot be provided with a document in accordance with the foregoing paragraph, the Agency for Refugees, on the basis of the data established by it and on a declaration signed by the refugee, shall issue a certificate to be used before the competent Bulgarian authorities for the purposes of issuing a Bulgarian document enabling the refugee to exercise those rights.

(3) The certificates and documents issued under the foregoing paragraph shall substitute the official documents issued to foreigners by or through the authorities in their countries and shall be respected provided that there is no evidence that they contain false data.

Art. 39. The Agency for Refugees may, independently or jointly with the bodies of local self-government and local administration, and the Bulgarian Red Cross organise auxiliary economic activities whereby the refugees, during the procedure for granting refugee status, shall have an opportunity for vocational training and employment.

Art. 40. (1) The Agency for Refugees shall be managed and represented by a Chairman who shall be appointed and released from office by the Prime Minister of the Republic of Bulgaria

(2) The Chairman must be a Bulgarian national only, have higher education and not less than five years of working experience.

Art. 41. (1) In the performance of his activities two deputy chairmen and a secretary general shall assist the Chairman of the Agency for Refugees.

(2) The deputy chairmen shall be appointed by the Chairman of the Agency for Refugees. The deputy chairmen must be Bulgarian nationals with higher education and not less than ten years of working experience.

(3) The secretary general shall be appointed by the chairman of the State Agency for Refugees, after co-ordination with the Minister for State Administration. He must be a Bulgarian national with higher education and must have not less than 5 years of working experience.

Art. 42. (1) The Chairman of the Agency for Refugees shall:

1. grant, refuse, withdraw and discontinue refugee status and interim protection of a foreigner in the Republic of Bulgaria;
2. take decisions on other applications from the foreigners who have sought protection in the Republic of Bulgaria;
3. determine the structure and staff list of employees working within the system of the Agency for Refugees, in the framework of the approved number of staff;
4. appoint and remove from office the employees of the Agency for Refugees;
5. approve rules for the organisation and activities, the internal order and the wages, and lay down the functions, tasks and responsibilities of the structural units and of the employees working within the system of the Agency for Refugees;
6. approve the model documents accepted and issued pursuant to this law;
7. issue sanction decrees;
8. manage and allocate the funds from the budget and from the Refugees Fund, control their disbursement in accordance with specific purposes and, in co-ordination with the Minister of Finance and the Minister of Labour and Social Policy, set expenditure thresholds for material and financial support to the applicants for refugee status and to those who have been granted refugee status.

(2) The Chairman may delegate his powers under items 1 and 2 of the foregoing paragraph to the deputy-chairmen of the Agency for Refugees.

Art. 43. (1) The transit, registration, reception and integration centres shall be managed by directors.

(2) The directors of the transit, registration, reception and integration centres must be Bulgarian nationals with higher education and must have not less than five years of working experience.

CHAPTER FIVE

PROCEDURE

Division 1

Institution of the procedure for granting refugee status the refugee

Art. 44. (1) A foreigner may apply for refugee status at the Agency for Refugees, in its territorial offices, before the **competent** bodies of the border police or at the passport and visa services of the **regional** Directorates of the Interior, as well as before the diplomatic and consular authorities of the Republic of Bulgaria.

(2) The procedure for granting refugee status shall be opened with the application of the refugee applicant before one of the bodies listed in paragraph 1, which shall be obliged to keep his identity documents and to record all his identifying particulars, as well as other samples for a comparative study.

(3) The bodies under paragraph 1 may search the foreigner, the movables carried by him and his vehicles. The personal search shall be carried out by persons belonging to the same sex as the refugee.

(4) Where the application has been submitted to bodies other than those listed in paragraph 1, they shall be obliged to immediately forward it to the competent authority. For this purpose the border

and the local authorities shall receive instructions devised jointly by the Chairman of the Agency for Refugees and the Minister of the Interior.

(5) Where the application has been submitted in the Agency for Refugees or its territorial offices, the record of the identifying particulars and the other samples for a comparative study, as well as the personal search, shall be carried out jointly with the bodies of the Ministry of the Interior.

(6) The applicant must be guided with regard to the proper procedure for submitting the application, the procedure to be followed, his rights and obligations, including the right to seek legal advice in a language he understands.

(7) The application may be submitted in writing or orally in a language that the foreigner can understand and where necessary, a qualified translator shall be ensured. The oral application shall be recorded by the respective authority and signed or otherwise certified by the applicant. The application shall contain the reasons for leaving the country of origin or permanent residence, as well as a specific request to the Republic of Bulgaria. Both oral and written applications shall be subject to registration.

Art. 45. After the receipt of the application the authorities under Art. 44 (1) shall be obliged to conduct an interview with the applicant for refugee status and report the data therefrom in a protocol.

Art. 46 (1) The competent authorities with which the application has been submitted and provided that no grounds under Art. 13, and Art. 14 of this Law are established, shall be obliged to issue an interim document entitling the refugee to move within 24 hours free of charge by bus or by train to the Agency for Refugees or to the nearest registration centre.

(2) The documents seized and all the documentation relating to the case accompanied by the written opinion of the interviewing body shall be immediately send to the Agency for Refugees or the corresponding registration centre.

Art. 47. (1) Where the request for refugee status has been submitted in a diplomatic or consular authority, it shall notify the Agency for Refugees and after having received its assent, shall issue the refugee with a free entry visa or other document provided for by the law with a validity of up to 15 days. The refugee is bound to appear at the Agency for Refugees or at the nearest registration centre within 24 hours after he has entered the country.

(2) Notwithstanding the received assent under paragraph 1, the diplomatic or consular authority may refuse visa to the applicant for refugee status if the existence of some of the grounds under Art. 13, and Art. 14 is established. The diplomatic or consular authority concerned shall inform the Agency for Refugees about its decision.

Art. 48. (1) After the procedure is opened in the Agency for Refugees, the refugee shall be accommodated at a registration centre where a personal file shall be opened for him, he shall undergo a medical check and examinations and shall be issued with an "interim refugee card"

(2) The refugee shall remain under quarantine until the results from the medical examinations become known. Where necessary he may be accommodated in a hospital.

(3) After the expiration of the quarantine period the refugee shall be accommodated at a reception centre, hotel or another shelter at the expense of the State Agency for Refugees, the Bulgarian Red Cross or other non-governmental organisation.

(4) Where the refugee has enough funds, he may be allowed to stay at his own expense at an address chosen by him.

(5) Minor refugees unaccompanied by their parents shall be accommodated in registration and reception centres or in private lodgings and measures to prevent them from physical or mental ill treatment or any other form of violence shall be taken.

Division II

Accelerated Procedure

Art. 49. (1) Where the interviewing body establishes the existence of grounds for refusal under Art. 13, paragraph 1, items 6-9 or under Art. 14, items 1-6 that render the application for granting refugee status inadmissible, as well as where the existence of any of the grounds for refusal of a manifestly unfounded application under Art. 13, paragraph 2 is established, it shall, within 72 hours, take a reasoned decision to discontinue the proceedings, or respectively - to refuse to grant refugee status. With the decision he shall pronounce on the safety of the country where the person is to be returned giving reasons thereof.

(2) Where the applicant submits the application for refugee status at the border upon entering the territory of the Republic of Bulgaria and after opening of the procedure it is established that the application is manifestly unfounded within the meaning of Art. 13, paragraph 2, a decision for non-admission to the country until the closure of the proceedings might be taken.

(3) The decision for non-admission shall be taken by the Minister of the Interior upon a reasoned proposal by the Chairman of the Agency for Refugees. The decision of the Minister shall not be subject to appeal.

(4) The decision under paragraph 1, as well as the rights and obligations stemming therefrom shall be communicated to the applicant for refugee status in a language he understands.

(5) A copy of the decision under paragraph 1 and of the protocol shall be sent to the Agency for Refugees.

(6) The accelerated procedure under paragraph 1 shall not apply in respect of minors unaccompanied by their parents.

(7) The interviewing authorities under paragraph 1 that are entitled to take decisions shall be determined by an order of the Minister of the Interior in co-ordination with the Chairman of the Agency for Refugees. They must be fully qualified on refugee matters and must have the same access to information as the authorities of the Agency for Refugees.

Art. 50. During the accelerated procedure for granting refugee status the persons shall be accommodated at registration and reception centres where food and shelter shall be provided for them, as well as medical treatment, when necessary.

Division III

General Procedure

Art. 51. Interviews with the refugees shall be conducted at the Agency for Refugees. The data therefrom shall be reported in protocols. The filled in protocols duly signed by the refugee and the translator shall be enclosed to the file together with the reference information prepared by the interviewing specialists.

(2) Women refugees shall mandatorily be interviewed by women interviewers and interpreters.

Art. 52. (1) Within two months after the proceedings are instituted the interviewing body under Art. 51 shall prepare a report on the application, which it shall submit, to the Chairman of the Agency for Refugees together with the personal file of the refugee.

(2) The report must contain an opinion concerning the admissibility of the application, the lack of data indicating that the application is manifestly unfounded and the substantive title for granting refugee status.

Art. 53. (1) The Agency for Refugees shall have the right to gather information and data concerning the refugees and, jointly with the Ministry of the Interior, to register their identifying particulars, as well as other samples for comparative study, in view of establishing their identity and clarifying the circumstances relating to the application.

(2) Sources of data under the foregoing paragraph may be the persons themselves as well as Bulgarian or foreign natural or legal persons, or humanitarian organisations.

(3) It shall not be allowed to collect data about the person from the official authorities of the State he or she is fleeing from.

Art. 54. The State authorities must furnish the information requested by the Agency for Refugees which is necessary to clarify the circumstances relating to the submitted application.

Art. 55. The data collected by the Agency for Refugees shall be kept in the personal files and in the register of the Agency and may not be disclosed. These shall be used solely for the purposes of the proceedings for granting refugee status.

Art. 56. (1) Within three months after the institution of the procedure, the Chairman of the Agency for Refugees shall pronounce a reasoned decision whereby he shall:

1. grant refugee status;
2. refuse refugee status;
3. grant protection for a period of up to one year to a refugee recognised under the mandate of the UNHCR;
4. grant humanitarian protection.

(2) The lack of sufficient evidence for persecution shall be assessed in view of the particular circumstances and can not serve as a sole ground for refusal of refugee status. The time-limit for making the decision under paragraph 1, items 1 and 2 may be extended with up to three months on the discretion of the Chairman of the Agency for Refugees, where the evidence and the information gathered for the particular case are incomplete.

(3) The term of protection under item 3 and 4 of paragraph 1 may be extended for a term of up to one year by a decision of the Chairman of the Agency for Refugees, provided that the reasons for the said decision have not ceased to exist.

(4) By the decision under paragraph 1, item 2, the Chairman of the Agency for Refugees shall give reasons and pronounce on the safety of the country where the person is to be returned

Division IV

Withdrawal and Discontinuance of Refugee Status

Art. 57. (1) The procedure for withdrawal or discontinuance of refugee status shall be opened ex officio after establishing the data and circumstances under Art. 15 or Art. 16.

(2) The procedure for discontinuance of the refugee status may be opened on a personal application from the refugee in the cases of Art. 16, paragraph 1, items 1, 2, 3, 4 or 5.

(3) The rules of Art. 51, 52, 53 and 54 shall apply to this procedure.

(4) Refugee status shall be discontinued or withdrawn by a reasoned decision of the Chairman of the Agency for Refugees.

Art. 58. (1) The Chairman shall discontinue the procedure for granting refugee status where the refugee:

1. withdraws his application in writing;
2. voluntarily returns to the state where he had been persecuted or leaves for another country;
3. acquires Bulgarian nationality, or the nationality of another State, or obtains a residence permit in the Republic of Bulgaria;
4. has deceased.

(2) The chairman may discontinue the procedure for granting refugee status where the refugee:

1. has perpetrated systematic administrative breaches or has been sentenced by a final verdict in respect of a deliberate crime.
2. can return to the country of his nationality or, being a stateless person - to the country of his permanent residence because the reasons for his fear of persecution have ceased to exist;
3. without good reason, after having been duly invited, fails to appear at two consecutive interviews or refuses to assist the officials from the Agency for clarification of the circumstances relating to his application;
4. changes his address without notifying that to the Agency for Refugees or to the corresponding registration or reception centre, and fails to register his address at the passport service of the Ministry of the Interior at his new place of residence in accordance with the Law on Foreigners in the Republic of Bulgaria;
5. violates the Rules of the Internal Order of the Agency and its centres, fails to comply with the orders of the officials or impedes the fulfilment of their official duties, causes disorder, conflicts or damage to the property assigned to him for use, or incites other refugees to commit similar acts.

Art. 59. A copy of the decision of the Chairman shall be served on the refugee. The contents of the decision, as well as the rights and obligations stemming therefrom shall be communicated to the foreigner in a language that he understands. The delivery of the decision shall be certified by means of a written declaration signed by the refugee and the translator or interpreter.

Art. 60. (1) A foreigner who has received a decision refusing, discontinuing or withdrawing the refugee status or with respect to whom the procedure for granting refugee status is discontinued shall be obliged to leave the country within 15 days after that decision has come into effect.

(2) The Agency for Refugees shall notify in writing its decision under the foregoing paragraph to the Ministry of the Interior, the General Directorate "Civil Registration and Administrative Services" at the Ministry of Regional Development and Public Works, and the bodies of local self-government and local administration at the place of residence of the refugee.

(3) Where the foreigner invokes another ground for stay in the Republic of Bulgaria, the obligation under paragraph 1 may not apply.

Art. 61. (1) Coercive administrative measures, such as "deprivation of the right to stay", "forced taking away to the border", "expulsion", "extradition" and "prohibition to enter the country", imposed pursuant to a law or an international treaty to which the Republic of Bulgaria is a party on a foreigner, who has stated that he is a refugee, shall not be enforced until the entry into force of the decision of the Chairman of the Agency for Refugees or respectively - the closure of the accelerated procedure concerning the refugee status.

(2) The coercive administrative measures under the foregoing subsection shall be reversed where refugee status or a status under Art. 56, paragraph 1, item 3 or 4 has been granted to the foreigner by the decision of the Chairman.

Division V
Procedure for Interim Humanitarian
Protection of Foreigners

Art. 62. A procedure for the grant of interim humanitarian protection of individual persons shall be opened by a decision of the Chairman of the Agency for Refugees.

Art. 63. Where the persons seeking protection within the meaning of the foregoing Article form particularly big groups, the Chairman of the Agency for Refugees shall make a proposal to the Council of Ministers of the Republic of Bulgaria to accord interim humanitarian aid and protection.

Art. 64. (1) The humanitarian status under this Division shall be granted for a term of up to one year on individual basis, after the need for such protection is ascertained.

(2) The term under the foregoing paragraph may be extended for a period of up to one year by a decision of the Chairman of the Agency for Refugees or of an official authorised by him, provided that the reasons for the grant of the humanitarian status have not ceased to exist.

CHAPTER SIX
ADMINISTRATIVE AND JUDICIAL REVIEW

Art. 65. The decision under Art. 49 (1) may be appealed against before the Chairman of the Agency for Refugees within 24 hours from its serving or on the first working day. The Chairman or an official authorised by him shall pronounce on the appeal within seven days by a final decision.

(2) Where the Chairman of the Agency for Refugees or the official authorised by him repeals the decision under Art. 49, paragraph 1 for refusal of refugee status, the interviewing authorities shall act in accordance with Art. 46.

(3) The decision of the Chairman of the Agency, or of the official authorised by him, confirming the refusal to grant refugee status under art. 49, paragraph 1 shall be immediately enforced.

Art. 66. (1) The decisions under Art. 56, paragraphs 1 and 2 Art. 57, paragraph 2 may be appealed against before the Supreme Administrative Court of the Republic of Bulgaria.

(2) The appeal shall be filed through the Agency for Refugees within 7 days from the serving of the decision. The appeal filed shall stay the execution of the decision of the Chairman.

Art. 67. Within 3 days after the receipt of the appeal under Art. 66, paragraph 2 the Agency for Refugees shall send the whole file, including the appealed act, to the Supreme Administrative Court.

Art. 68. (1) Within one month the court shall hear the appeal, provided that the body, which has pronounced the decision, and the appellant have been summoned to attend. The appellant may be represented by a lawyer.

(2) The Supreme Administrative Court shall have all his powers under Art. 42 of the Law on the Administrative Procedure. Where the act is null and void the court shall declare its invalidity.

(3) Where the Supreme Administrative Court reverses the decision of the Chairman of the Agency for Refugees and remits the file back with mandatory instructions for a new decision, the chairman shall be obliged to re-examine the file and take a new decision within 14 days.

Art. 69. The provisions of the Law on Administrative Procedure and of the Law on the Supreme Administrative Court shall apply to cases that are not regulated by the Law.

Art. 70. The proceedings under this Chapter shall be exempt from state fees and the payment of other costs.

CHAPTER SEVEN

IDENTITY DOCUMENTS

Art. 71. (1) The identity documents shall be issued, used and seized in accordance with the provisions of the Law on Bulgarian Identity Documents and the Convention relating to the Status of Refugees.

(2) Interim refugee identity card shall be issued for a term of validity of up to 3 months to a foreigner in respect of whom proceedings for granting refugee status have been instituted.

(3) No fees shall be collected for the issue of the document under the foregoing paragraph.

Art. 72. (2) A refugee identity card shall be issued for a term of validity of up to 3 years to a foreigner who has been granted refugee status in the Republic of Bulgaria.

(2) The card under the foregoing paragraph shall be issued also to persons who have been granted humanitarian status, but with a term of validity of up to one year. The card may be re-issued with the same term of validity, provided that no changes in this status have occurred.

Art. 73. (1) The refugee travel abroad certificate shall be issued in accordance with the Annex to the Convention relating to the Status of Refugees. It shall be issued to a refugee who has been granted refugee status in the Republic of Bulgaria, including those who have been granted humanitarian status, with a term of validity not longer than the one of the refugee identity card.

(2) For the period of its validity the travel certificate, referred to in the foregoing paragraph shall entitle its holder to enter and leave the territory of the Republic of Bulgaria under the terms and conditions applicable to Bulgarian nationals.

(3) Bulgarian diplomatic and consular authorities may extend the term of the travel certificate for up to six months after having consulted the Ministry of the Interior.

Art. 74. (1) The fees charged for the issue and extension of validity of a refugee card and travel certificate shall be the fees provided for Bulgarian nationals by an act of the Council of Ministers.

(2) The fees charged pursuant to the foregoing paragraph shall not exceed the scale of charges for national identity documents.

ADDITIONAL PROVISIONS

§1. The received donations, aid and funds under international programmes and agreements shall feed the extra-budgetary account of the Agency for Refugees in accordance with Art. 45, paragraph 2 of the Law on Organisation of the State Budget.

§2. The officials of the Agency for Refugees shall certify their official capacity with a professional card. The bodies of the State government and local administration shall be obliged to assist the officials of the State Agency for Refugees in the performance of their official duties

§3. The National Police shall ensure the security of the Agency for Refugees and of the transit, registration and reception centres in accordance with Art. 85, paragraph 1, and paragraph 3 of the Law on the Ministry of the Interior.

§4. The bodies of local self-government and local administration shall be obliged to accept in their territory and enter into the registers for the population the refugees which have been granted refugee status and their families, and provide them with an opportunity to exercise the they have pursuant to this Law in accordance with the procedure and conditions laid down for Bulgarian nationals

§5. The documents, information, facts and data relating to the person of the refugee which have become known during the procedure for granting refugee status or during his stay in the territory of the Republic of Bulgaria, the disclosure of which might endanger his security, shall be a professional secret, except for the needs of the international co-operation between the Member-States to the UN Convention relating to the Status of Refugees.

§6. The foreign documents possessed by the refugees for education, qualification, academic degree or rank shall be recognised in accordance with domestic legislation and of the conditions of the international treaties to which the Republic of Bulgaria is a party.

§7. In order to ensure the free of charge travel of the applicants for refugee status to the nearest registration centre or to the Agency for Refugees the border police authorities or the passport and

visa services shall issue a document on the basis of which the Agency for Refugees shall reimburse the value of the transportation made to the corresponding transport enterprises

§8. "Members of the family" within the meaning of this Law are the husband, the wife and minor children who have not concluded marriage. the parents of each spouse who are not able to take care of themselves due to old age or a serious illness, or conclusion and need to live in the same household with their children shall have the rights provided for members of the family in accordance with this law.

§9. "First receiving country" means the State party to the UN Convention relating to the Status of Refugees of 1951 which the refugee has crossed before entering the territory of the Republic of Bulgaria and where he has stayed, at his own will, for a period longer than the time normally necessary for his coming to Bulgaria.

§10. "Safe country of origin" means a State where the life and freedom of the applicant for refugee status are not threatened and he is not exposed to danger of persecution, torture or inhuman or degrading treatment.

§11. "Third safe country" means a State where:

1. the life and freedom of the applicant for refugee status are not threatened and he is not exposed to danger of persecution, torture or inhuman or degrading treatment.

2. the applicant for refugee status has received protection or had the opportunity to receive protection, or there is clear evidence that he may be admitted;

3. the applicant for refugee status is protected against refoulment to the territory of the country where conditions for such persecution and jeopardizing of his rights exist.

§12. "Compelling reasons" are natural disasters, accidents, catastrophes, pillages and such that require urgent medical aid and other events which have occurred notwithstanding the will of the refugee and which he could not have foreseen or prevented.

§13. "Systematic", within the meaning of Art. 58, paragraph 2, item 1 means more than two offences committed in the course of one month.

TRANSITIONAL AND FINAL PROVISIONS

§14. The Law on Bulgarian Identity Documents shall be amended as follows:

1. A new item 9 is included in Art. 14 with the following content:

"9. Certificate for return of a foreigner to Bulgaria."

2. A new paragraph 2 is included in Art. 59 with the following content:

"(2) The certificate for return of a foreigner to the Republic of Bulgaria shall be issued to a stateless person or to a refugee who has lost abroad his identity documents under item 5 and 6 of the foregoing paragraph." The same document shall be issued to the members of the family, within the meaning of the Law on Refugees, of a refugee who has been granted such status in the Republic of Bulgaria, where they hold no valid national travel documents.

§15. Upon the entry into force of this Law, the name "National Bureau for Territorial Asylum and Refugees shall be changed to "Agency for Refugees" which shall be entrusted with the functions, rights and obligations pursuant to this Law.

§16. Within three months after the entry of this law into force, the Minister of Justice and European Legal Integration, and the Chairman of the Agency for Refugees should submit to the Council of Ministers for adoption a list of the safe countries of origin and a list of "third safe countries" in respect of refugees. These lists shall be updated annually following the procedure for their adoption.

§17. This law shall not apply in respect of the right of asylum granted by the President of the Republic of Bulgaria in accordance Art. 98 item 8 of the Constitution.

§18. The implementation of this law is entrusted to the Council of Ministers of the Republic of Bulgaria.

§19. Upon the entry into force of this Law Decree No 207 of 1992 establishing a National Bureau for Territorial Asylum of Refugee shall be repealed

ANNEX 5

Translation from Bulgarian

Agency for Refugees at the Council of Ministers

Ref. No. 1255/12.05.2000

REPUBLIC OF BULGARIA

COUNCIL OF MINISTERS

COPY

ORDINANCE No. 78

of May 9, 2000

for approval of the Rules and Procedures of the Agency for Refugees at the Council of Ministers

THE COUNCIL OF MINISTERS

ENACTED:

Sole Article.

The Rules and Procedures of the Agency for Refugees at the Council of Ministers shall be approved as per the Annex.

Transitional and Conclusive Provisions

Article 1.

The following ordinances shall be cancelled:

1. Ordinance No. 182 of the Council of Ministers of 1993 for the approval of Rules and Procedures for the activity of the National Bureau for Territorial Asylum and Refugees at the Council of Ministers (State Gazette, issue No. 82 of 1993).
2. Ordinance No. 208 of the Council of Ministers of 1994 for the approval of Decree for granting and regulating the refugees' status (State Gazette, issue 84 of 1994)

Article 2

Subitem "f" shall be added to item 2 of the Annex to the Sole Article of Ordinance No. 33 of the Council of Ministers of 1999 for assigning primary and secondary budget credits comptrollers at the Council of Ministers (promulgated in the State Gazette, issue No. 18 of 1999; amended and supplemented in issues Nos. 40 and 80 of 1999 and issues Nos. 16 and 28 of 2000) as follows:

"f" Agency for Refugees at the Council of Ministers.

Article No. 3

The Ordinance shall be effective as of the date of its promulgation in the State Gazette.

Article No. 4

The Chairman of the Agency shall approve the schedule of the permanent employees and the respective course of employment within 1 month from the effective date of the Ordinance.

Prime Minister: Ivan Kostov (signature)

Secretary General of the Council of Ministers: Eliana Maseva (signature)

True Copy!

Director of *Governmental Office*: (sgd. ill.)

Zlatina Nikolova

S E A L

To: The Agency for Refugees

RULES AND PROCEDURES
of the Agency for Refugees at the Council of Ministers

Annex to the sole Article of the Council of Ministers' Ordinance No. 78 of 09.05.2000, promulgated in the State Gazette, issue No. 40

Library of Laws - APIS, volume 2, page 4, No. 201

Chapter One
GENERAL PROVISIONS

Art. 1

The Rules and Procedures determine the structure, the organization of the activity, the functions and the work force of the Agency for Refugees, hereinafter referred to as "The Agency".

Art. 2

(1) The Agency is a state authority at the Council of Ministers for implementing the Republic of Bulgaria's policy of application of the Convention of Refugees Status, 1951 and the Protocol of Refugees Status, 1967.

(2) The Agency is a budget funded legal entity with registered office in Sofia.

(3) The Agency is a secondary budget credits comptroller at the Council of Ministers.

(4) The received donations, relief, as well as the funds under international programs and agreements are transferred to the extra-budgetary account under the Act on the Structure of State Budget.

Chapter Two
POWERS OF THE CHAIRMAN OF THE AGENCY FOR REFUGEES

Art. 3

The Agency shall be managed and represented by a chairman. The chairman shall be appointed and dismissed by the Prime Minister.

Art. 4

(1) The chairman of the Agency shall develop, organize, coordinate and control the implementation of the state policy with regard to the refugees status in the Republic of Bulgaria, and to this effect the chairman shall:

1. submit at the Council of Ministers annual reports on the Agency's activity;
2. issue individual administrative acts for granting, rejecting, depriving and terminating a refugee status or temporary humanitarian protection to a foreigner in the Republic of Bulgaria, as well as for continuation of the term or termination of a procedure for granting refugee status;
3. make decisions on other applications by foreigners who have sought protection in the Republic of Bulgaria;
4. approve the document forms, filed and issued by the Agency under the Act on Refugees;
5. appoint state employees and terminating the official relations with the same, concluding and terminating labor contracts with the persons working on legal relations.
6. give permission for the leaves and commission / send on official trips the employees of the Agency;

7. approve the rules for the organization and the activity, the administrative arrangement, the working salary, the premiums, specify the functions and the tasks of the structural units and the employees working within the system of the Agency, under the proposal of the Secretary Chief;
8. arrange contacts and interactions with other executive power authorities;
9. arrange interactions with non-governmental organizations;
10. arrange contacts and collaboration with state authorities with similar targets and with non-governmental organizations in other countries, as well as with international institutions and organizations;
11. manage and distribute the funds from the budget and extra-budgetary account, controlling their target spending;
12. specify, in coordination with the Finance Minister and the Minister of Labour and Social Policy, the expenditure limits for providing material and financial support to the candidates and the persons who have received refugee status;
13. specify the information representing an official secret;
14. issue punitive decrees;
15. perform other functions, assigned to the Chairman by any Law or an Act of the Council of Ministers.

(2) The Chairman may delegate by an order his powers under Art. 1, para 2 and 3 to the vice-chairmen of the Agency.

Art. 5

The Chairman shall designate the Chief Secretary, the state employees and concludes labour contracts with other employees of the Agency.

Art. 6

While carrying his activity, the Chairman shall be assisted by two vice-chairmen, appointed by the Price Minister according to a proposal made by the Chairman of the Agency.

(2) The Chairman of the Agency shall specify the functions of the vice-chairmen.

Chapter Three

FUNCTIONS OF THE AGENCY

Art 7.

The Agency shall:

1. organize the reception and the temporary accommodation of the refugees on the territory of the Republic of Bulgaria and offer aid and assistance for their adaptation to the conditions in Bulgaria; organize language courses for the refugees during the procedure of status granting;
2. issue certifying documents;
3. organize the activity with regard to distributing the refugees on the territory of the country, finding suitable jobs for them and providing social, medical and psychological aid to the refugees during the procedure of status granting, as well as to those who have received a refugee status;
4. conduct explanatory activity among the population and the legal entities on the issues of refugees, organize charity operations for providing social care to the refugees;

5. work out independently or participate in the preparation of draft regulatory acts and international contracts on the problems of refugees and work out programs for the integration of refugees with granted status into the Bulgarian society;
6. conduct organization activity on the reception of refugees in extraordinary situations;
7. cooperate with the U. N. High Commissioner on Refugees, with the International Organization of Migration, as well as with other international governmental and non-governmental organizations on the issues of refugees and migration;
8. assign the conduct of inquiries and studies on the issues of refugees, organizes conferences and seminars and issues information materials;
9. provide assistance for the refugees before foreign country authorities or before an international authority for the purpose of providing for them documents required for the realization of their civil rights;
10. organize supporting economic activities, giving the foreigners, during the procedure of refugee status granting, an opportunity to receive vocational training and labour market realization;
11. distribute the received donations and humanitarian aid from state authorities and non-governmental organizations for refugees.

Chapter Four

STRUCTURE AND ORGANIZATION OF THE AGENCY'S ACTIVITY

Section I

General Principles

Art. 8

- (1) The Agency shall comprise a main office, as well as of transit, registration, reception and integration centres, managed by directors.
- (2) The Agency's main office shall comprise six departments and the total number of the employees shall amount to 96 persons.
- (3) The registration and reception refugees centre in the village of Bania, Nova Zagora Municipality, shall be a territorial branch of the Agency with a total number of the employees amounting to 22 persons.
- (4) The distribution of the Agency's permanent work force is indicated in the Annex.
- (5) The total number of the employees at the transit, registration, reception and integration centres shall be specified by deeds of the Council of Ministers for their opening, and their administrative structure and activity shall be specified by Rules and Procedures confirmed by the Chairman of the Agency.
- (6) The Chairman shall confirm the structure of the administrative units and the schedule of the permanent employees according to a proposal made by the Secretary Chief.

Section II

Secretary Chief and Inspectorate

Art. 9

(1) The Secretary Chief shall execute the administrative management of the Agency by following the legal orders of the Chairman. The Secretary Chief shall be appointed to that position for a five-year term.

(2) The Secretary Chief shall:

1. ensure the organizational relations between the Chairman and the administrative units of the Agency, as well as among the separate administrative units;
2. provide conditions for the rhythmic and effective work of the Agency's units;
3. control and be responsible for the handling of the documents, their keeping, as well as for safeguarding the official secrets;
4. execute general control over the fulfillment of the tasks assigned to the administration;
5. Coordinate the financial and economic activities of the Agency;
6. Fulfil other tasks assigned by the Chairman of the Agency.

Art.10.

The Inspectorate of the Agency shall directly report to the Chairman and shall exercise control on the activity of the administration as follows:

1. accomplish thematic check up on the observation of labour and financial discipline, ordered by the Chairman of the Agency;
2. investigate field appeals, warning signals and proposals related to the activity of the Agency and verifies them;
3. inform the Chairman about the results of the investigations made and proposes corrective actions for the elimination of the omissions and violations made;
4. fulfil other tasks assigned by the Chairman of the Agency;

Art.11. The Chief Secretary accomplishes also the functions of the Inspectorate according to Art.10

Section 3

General Administration

Art.12. (1) The General Administration secures technically the activity of the Chairman, the activity of the specialized administration and the activities related to the administrative attendance of the physical persons and legal entities.

(2) The General Administration of the Agency is organized in two divisions- “Administrative, Legal and Information Services” and “Financial and Economic Activities and Property Management”.

Art.13. Division “Providing administrative, legal and information services”:

1. participates in the elaboration of projects and legal acts related to the activity of the Agency;
2. accomplishes procedure representation of the Agency before the court for civil, criminal and other cases;
3. contributes to and secures by legal means the timely collection of receivables of the Agency;
4. controls the elaboration of administrative acts on appointment of civil servants, labour and free lance contracts and deeds for termination of official and labour relationships;
5. secures legal assistance to the remaining structural units of the Agency and gives opinion on legal issues;
6. prepares replies and gives opinions on field appeals, warning signals and proposals;
7. prepares the documents for appointment, dismissal and reappointment;
8. files and keeps the personal records of the employees;
9. elaborates internal rules for the salary formation and fulfils the legal requirements on remuneration of labour;
10. prepares the list of the administration by name and position;
11. organizes and accomplishes the software and technical provision of the computer equipment, its installation and maintenance;
12. provides the integration of the info system of the Agency with the info systems of the remaining units of the state administration;
13. makes proposals for the purchase of new or the updating of old software or computer equipment;
14. organizes the archive, copying and courier activities;
15. organizes the work with classified documents;
16. keeps the documents from the archive of the Agency;
17. organizes and maintains library of the Agency;
18. fulfils protocol functions and plans and accomplishes PR archives;

Art.14. Division “Financial and economic activities and property management”:

1. makes up the draft of the Agency budget;
2. reports on the fulfilment of the budget and the extra-budgetary account;
3. accomplishes the financial activity, the accountancy and the correct recording of the income and expenses of the Agency;
4. it is responsible for the exact fulfilment and implementation of the legal financial requirements;
5. maintains contacts with the Ministry of Finance and the primary budget credits comptroller and fulfils their orders and requirements as well as the orders of the immediate head;
6. bears responsibility for the supply, storage keeping and utilization of valuables;
7. carries out investigation of the sites and the necessity of investments for reconstruction and new construction, prepares the documents and organizes tenders and competitions for the fulfilment of the construction works and for the accomplishment of current reconstruction of real estate; it is responsible for their maintenance;
8. surveys the technical condition of the Agency transport
9. controls hygiene and order in the buildings and the adjoining sites;
10. maintains the electric, water, heating and telephone networks and equipment;

Section 4

Specialized administration

Art.15. (1) The Specialized Administration assists and secures the necessary conditions for the Chairman to exercise his authority

(2) The Specialized Administration is organized in four divisions: “Legal Procedure and Decisions”, “Centres for Refugees, Accommodation and Administrative Control”, “International Cooperation and European Integration” and “Health and Social Protection, Adaptation and Integration of the Refugees”.

Art.16. Division “Legal Procedure and Decisions”:

1. controls the observation of legal procedure for granting refugee status and elaborates obligatory methodological instructions for the transit, registration and accepting centres concerning legal procedures for granting refugee status, rules for issuing identity documents and for registering as well as for action in force majeure;
2. prepares motivated proposals for decisions concerning the refugees status in the Republic of Bulgaria
3. prepares statements for decisions concerning appeals under accelerated procedures
4. carries out additional interviews with applicants for refugee status, if necessary;
5. performs representation of the Agency before the Supreme Administrative Court in administrative cases, initiated under appeals against the decision of the Chairman of the Agency;
6. follows the changes in international acts on refugee jurisprudence and makes proposals for harmonization of the internal legislation related to these changes;
7. organizes refugees’ records
8. organizes exchange of information between the Agency and the concerned state institutions related to the legal proceedings and the refugee status;
9. organizes and maintains automated information systems for refugees;
10. keeps the personal files of the refugees;

Art.17. Division “Centres for refugees, accommodation and administrative control”:

1. makes proposals concerning the necessity for opening and closure of transit, registration, integration and reception centres;
2. prepares instructions on and controls the organization of the activity of the transit, registration, integration and reception centres related to the accommodation and the attendance of the refugees therein;
3. controls, distributes and regulates the accommodation of the refugees in the reception centres;
4. prepares instructions on and controls the accommodation of the applicants for refugee status in private flats and other places of shelter; maintains card-index of lessors and keeps the tenancy contracts;
5. makes proposals for the need of financial resources for investment expenses for the centres as per item 1.
6. prepares methodical instructions for and controls the nutrition of the applicants for refugee status;
7. prepares methodical instructions for the organization of labour of the refugees in the reception centres;
8. makes motivated proposals for imposing sanctions to refugees who do not fulfil their obligations during the legal proceedings;
9. proposes organizational and technical actions and organizes special restrictive regime of sojourn, movement and security of all categories of refugees during war establishment and war, as well as during emergency situations arising from entering of refugees in large numbers.

Art.18. Division “International Cooperation and European Integration”:

1. organizes and helps cooperation of the Agency with the international government and non-government organizations, working on refugee problems as well as with European refugee institutions;
2. participates in projects of international programs for refugees;
3. coordinates the fulfilment of long term programs for refugees, financed by the EU, UN, the International Organization of Migration and other international institutions;
4. maintains constant contacts with national institutions and organizations, as well as with the representations of the UN High Commissioner for the refugees and the International Organization of Migration in Sofia;

5. organizes together with the authorized government institutions the repatriation or returning to a secure third country of refugees who have received a refusal for refugee status;
6. prepares and updates analytical information for the countries of origin, the receiving countries and refugee streams;
7. organizes and maintains an information data base about the legislation and the situation in the countries of origin and the receiving countries;
8. prepares and proposes drafts of lists of secure countries of origin and secure third countries for annual updating;

Art.19. Division “Health and Social Protection, Adaptation and Integration of the Refugees”:

1. organizes and controls the activity related to the health, psychological and social support of the refugees in legal procedure;
2. organizes the relations with the competent government institutions and non-government organizations to solve the health and social problems of the refugees;
3. organizes the hygienic and epidemiological control in the centres in conformity with the law;
4. elaborates methodical instructions for the nutrition and proposes norms for the quantity and quality of food;
5. looks after the persons with special needs and hospitalizes them if necessary;
6. elaborates methodical instructions, looks after and controls the appointment of legal representatives of minors unaccompanied by parents as well as of persons who are not aware of their actions;
7. prepares instructions and controls the activity of the integration centres related to the education, language study and labour qualification and re-qualification of the refugees;
8. drafts programs and proposes decisions for joint action with the institutions, the regional administrations and the NGO in view of creation of conditions for integration of the refugees;
9. raises relief funds for the refugees, elaborates instructions for their distribution and controls the fulfilment of the donors’ will.

Section 5 Regional offices of the Agency

Art.20. (1) The transit centres are regional units of the Agency for accelerated legal procedure and for the securing of food, shelter, medical examination and rendering help in emergency situations to the applicants for refugee status who have applied at the frontier.

(2) The transit centres are established in the areas of border checkpoints or in the vicinity.

Art.21. The registration centres are regional units of the Agency for the realization of accelerated legal procedure and for the securing of shelter, food, medical examination and rendering medical assistance in emergency cases to the applicants for refugee status, who have applied on the territory of the Republic of Bulgaria.

Art.22. The Reception Centres are regional units of the Agency for securing shelter, social and medical help for the applicants for refugee status, who have stayed at least for 15 days in a transit or registration centre, until the decision for refugee status comes into force.

Art.23. The Integration Centres are regional units of the Agency for securing language training, professional qualification and other activities, necessary for the integration of the refugees in the Republic of Bulgaria.

Art.24. The transit, registration, reception and integration centres are opened and closed by the Council of Ministers after being proposed by the Chairman of the Agency, coordinated with the minister of finance, the minister of the interior, the minister of labour and social policy, the minister of justice and the Foreign Minister.

Section 6 Organization of the work in the Agency

Art.25. (1) The working time of the employees in the Agency is 8 hrs per day and 40 hrs per 5-day week.

(2) Office hours are from 8.30 a.m. until 5 p.m. with a break from 12.30 till 1.00 p.m.

Art.26. (1) The transit, registration and reception centres secure a 24-hour working regime, according to a schedule, confirmed by the director of the centre.

(2) The employees of the main office go on duty and are at the disposal of the Agency in their homes according to a schedule, approved by the chairman of the Agency.

(3) Overtime work is compensated by vacation according to the Civil Servant Act, the Labour Code and the related legislation.

(4) The Chairman of the Agency approves the list of positions that can work overtime.

Art.27. The employees of leading positions in the Agency:

1. assign tasks to the employees working in the administrative unit managed by them, they supervise and are responsible for the timely and quality fulfilment of the tasks;
2. they interact with the remaining administrative units in conformity with the established organization relations and labour division between them;
3. they periodically report on the activity accomplished by the administrative unit and they propose measures for the improvement of the activity;
4. they propose the appointment, promotion, transfer, motivation, sanctions and dismissal of the employees working in the administrative unit supervised by them.

Art.28. The Civil Servants and the persons working under labour contracts in the Agency fulfil the tasks assigned to them in accordance with their job descriptions and they report to their immediate manager about the accomplishment of the work.

Art.29. (1) The employees of the Agency are obligated to keep confidential the official information as well as the personal data of the refugees, according to Act on Refugees.

(2) When taking office the employees of the Agency sign a declaration for keeping official secret.

Art.30. (1) The incoming documents from government institutions, physical persons and legal entities are registered in a register, the date and time of receipt being recorded.

(2) When filing the documents a verification is being made whether all of them are available and official correspondence is then formed.

Art.31. (1) The official correspondence is in accordance to its contents addressed.

(2) Official correspondence is distributed by the Chairman with a resolution to the respective heads of the administrative units. The addresses are recorded in the register.

(3) The resolution as per paragraph (2) contains instructions, term of fulfilment, date and signature.

(4) The heads of the administrative units assign the official correspondence to a respective employee. When assigned to more than one employee, one of them is appointed to be responsible.

(5) The official correspondence is distributed immediately after they have been received in the Agency.

Art.32. The outgoing documents are prepared in two copies. The second copy contains the initials and the signature of the employee who has prepared the document, as well as of the respective administrative unit.

Art.33. Access of outsiders to the administrative buildings of the Agency is permitted according to the regulations stipulated by the Chairman of the Agency.

Art.34. For high quality performance of their obligations the employees of the Agency can be awarded with prizes up to three minimal salaries within one calendar year.

FINAL PROVISION

Sole Article. The Rules and Procedures are approved on the grounds of Art. 48 of the Act on Administration .

Annex to Art. 8, para 4

Total number of the employees of the Agency for Refugees at the Council of Ministers – 118 on the pay-roll

Chairman

Vice-chairmen

Secretary General

General Administration, in this number:

	2
Administrative, Legal and Information Services Division	
	7
Financial and Economic Activity and Property Management Division	
	5
Specialized Administration, in this number:	
	0
Legal Procedure and Decisions Division	
	5
Refugees Centres, Accommodation and Administrative Control Division	
	0
International Cooperation and European Integration Division	
	5
Health and Social Protection, Adaptation and Integration of Refugees Division	
	0
Refugees Registration and Reception Centre– village of Bania, Nova Zagora Municipality,	2
In this number: Director	

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True Copy!

Chairman: (sgd. ill.)

Boiko Ljubomirov Antonov, ID No. 5503156308

S E A L

Follows the legalization of Notary No. 267 at Sofia Regional Court under No. 1235 of 08.02.2001.

Follows the legalization of the Ministry of Justice under No. 1677 of 08.02.2001.

Sworn translator: Inna Stoilova

ANNEX 6

REPUBLIC OF BULGARIA

NATIONAL ACTION PLAN 2000

APPROVED ON 17 JULY 2000

I Elements prior to the proceedings

1. Identified needs, improvements	2. Progress made (considering FWD, NAP, etc.)	3. Suggested steps for changes/ improvements	4. Existing relevant projects/ initiatives	5. New projects/ initiatives
1. Pre-Accession Advisor (PAA) A. Training B. Accelerated procedure C. Transit, Reception Centres D. Assistance for the legislation E. Administrative support F. Other issues	Discussions are under way for identifying an EU Member State Agreed in principle that a PAA will be participate within the framework of the financial assistance for the transit centre	Consider potential assistance of a PAA regarding the transit centres, training and other needs. Specify the details in "Project Fiche" under the National PHARE 2001 Programme The visit by EU experts in two months will include further discussions regarding PAA	<ul style="list-style-type: none">- On 25.05.2000 a proposal was made by the representative of the EU Commission:- - The implementation of the Twinning Project to go before the development of the Transit Centres Project- PAA main tasks:- - Coordination of the work on and the implementation of the Transit Centres Project- - Assistance in the field of legislation and its enforcement- - The administrative structure of the AR to be improved- - Training of the AR personnel and the management staff of the Transit Centres- By 10.06.2000 this proposal should be discussed and approved by the Inter-governmental Committee	It is the opinion of the RT II session (Bulgarian Delegation, EU/UNHCR experts, PHARE Horizontal Programme management) that a PAA will play an important role in the fulfilment of the NAP 2000

<p>2. Amendments to relevant laws and regulations:</p>	<p>On 01.08.1999 the new Refugee Law entered into force, which reflects fully the GC (51), the NYP and all the requirements of the EU Acquis.</p> <p>On 19.04.2000 the CM approved lists of TSC and SCO.</p> <p>On 09.05.2000 the Organisational Rules of AR were approved and it is completely within the CM.</p>			<p>By the end of 2000 a proposal should be made to include into the legislative programme of the Council of Ministers (CM) for 2001 a draft for amendments of RL, AA and other laws and regulations in compliance with this Plan.</p>
<p>A. Amendment referring to the Non-Refoulement principle; Refugee Law (Article 6.3) and Aliens Act (Article 44.3) should be amended with respect to non-refoulement so as to reflect Articles 3 and 5 of the ECHR</p>	<p>The Resolution for harmonised approach to the matters relating to TSC (92) has been incorporated into the RL with its wording as it is.</p> <p>The non-refoulement principle is reflected in Art.6, par. 3 and §§ 10 and 11 of the Concluding Provisions of RL, in conjunction with Art. 49, par.1 and Art.56, par. 4 of RL and are in the spirit of Art. 3 and 5 of ECHR.</p>	<p>When making the amendment with a view to observing the non-refoulement principle, the wording of the 1951 Convention on the Status of Refugees should be adopted</p> <p>NWG adopted the idea to add to Art. 6(3) the last part of § 10 (or may be subjected to torture or degrading treatment), which would bring forward Bulgaria's attitude towards ECHR.</p>		<p>To prepare and submit a proposal for amendment of Art. 44, par. 3 of the Aliens Act by binding it also with Art. 56 (4) of RL as well - within a shorter period of time.</p> <p>To prepare and submit a proposal for amendment of Art. 6, par. 3 of the Refugee Law.</p> <p>To prepare and submit a proposal for amendment of Art. 13 and 14 of the Refugee Law.</p>

<p>E. Article 65.1 of the Refugee Law : accelerated procedure – to abolish the 24-hour deadline for lodging appeal</p>	<p>E. In Art. 65, par. 1 of RL a 24-hour deadline for lodging an appeal exists.</p>	<p>Changing the deadline from 24 hours to three days.</p>		<p>acceleration of proceedings and ensuring access to the administrative courts.</p>
<p>F. Article 42.2 of the Refugee Law : decisions taken at a lower level</p>	<p>F. Decisions for granting refugee status can be taken only by the Chairman or Deputy Chairman of AR. The currently applicable legislation does not permit decisions to be taken at lower level.</p>			<p>To prepare and submit a proposal for relevant changes of Art. 13, par. 2 of the Refugee Law</p>
<p>G. Article 13.2 of the Refugee Law : manifestly unfounded claims</p>	<p>The provisions of the Resolution on Manifestly Unfounded Claims for asylum are reproduced in Art. 13, par. 2</p>	<p>The stipulations under Art. 13, par. 2 to be moved to the Accelerated Proceedings Section.</p>		<p>To prepare and submit a proposal for changing Art. 51, par. 2 of the Refugee Law</p>
<p>H. Art. 51, par 2 of the Refugee Law</p>		<p>Amendments to the effect: At the explicit statement of women-applicants for refugee status, they shall be interviewed by women interviewers and interpreters.</p>		<p>To prepare and submit a proposal for amendment to the Refugee Law.</p>
<p>I. New stipulation - Measures for preventing abuse of the right to asylum</p>		<p>To incriminate the act of instigation or assistance to aliens for receiving refugee status in abuse of the right to asylum.</p>		
<p>3. Problems with manifestly unfounded applications, third safe countries, safe countries of origin</p>	<p>On 19.04.2000 the CM approved the list of TSC and SCO, but every case shall be considered individually.</p>	<p>Permanent contact with international bodies and organization in view of due updating of those lists.</p>		<p>PAA shall be relied upon for the updating of the lists.</p>

<p>A. No expulsion prior to a decision on manifestly unfounded applications.</p> <p>B. “Third safe country” and “safe country of origin” evaluation</p> <p>C. Life or freedom of applicants should not be threatened in host third country as meant by Art. 33 of 1951 Geneva Convention and Art. 3 of ECHR.</p>	<p>Updating the lists of TSC and SCO will be a permanent task of the AR.</p> <p>Art. 61 of RL stipulates the guarantees for no expulsion prior to the decision entering into force. The collection of comments to RL has been published.</p> <p>On 19.04.2000 the CM approved the list of TSC and SCO, but every case shall be considered individually in accordance with the provisions of RL.</p> <p>C. These lists shall be updated annually following the procedure of their adoption. The “Documentation Center” at MJ shall set up a database of third safe countries and safe countries of origin. It will be updated every month and the information contained therein shall be provided to all authorities involved in the procedure. For this purpose MJ shall develop a project in close cooperation with MoFA, MoI and AR.</p>	<p>A. MoI and AR to publish and circulate the detailed instructions developed for the authorities involved in the proceedings.</p> <p>B. The AR shall be the main advisor to the Council of Ministers in the preparation of the list of safe countries of origin and third safe countries. In this respect the practice of EU member-states shall be followed and the assistance of UNHCR will be highly appreciated.</p> <p>C. The information and analysis department of the AR, with the help of PAA, shall work out a project for building up an up-to-date information system on the basis of the database on “third safe countries” and safe countries of origin. The system shall be compatible with those in the EU Member States and shall be reliable enough to be used by decision takers on asylum applications (aim - preparation for co-operation with the countries parties to the Dublin Convention).</p>		<p>PAA shall assist in the development of projects under the National PHARE Programme for financial aid in the setting up of the informational system at the AR.</p>
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	The lists will be agreed by the responsible ministers and submitted to the Council of Ministers for approval.			
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<p>4. Unrestricted access of asylum seekers to NGOs and UNHCR</p> <p>a) General procedure</p> <p>b) Accelerated procedure</p> <p>c) Reception & transit centres</p> <p>d) Information regarding filing an asylum application</p>	<p>a. No problems encountered</p> <p>b. Discussions underway between NGOs, border police, AR, UNHCR</p> <p>c. Special rooms are foreseen, the need of access will have to be identified</p> <p>a) An agreement between AR and the BHC exists as to putting into practice legal defense for refugees. Discussions regarding information exchange are ongoing</p>	<p>Law compliance organizations (???Human rights NGOs) will seek to define their role in the procedure with preparing certain draft-texts to be submitted to Parliament.</p> <p>c. The AR in cooperation with UNHCR shall create conditions for opening up of reception rooms NGOs [to be represented] in the transit centers in order to provide assistance to applicants.</p> <p>d. Access to all relevant information concerning an asylum application will be granted to any, government body or non-governmental organization, which is responsible by law for handling the application.</p>		<p>Use PAA to support the initiatives related to the access to/for applicants.</p>

B. Accommodation centres	B. Currently most applicants for refugee status are housed in private lodgings	<p>B. Investigation for establishing new accommodation facilities</p> <p>Use the visit of EU/UNHCR experts to support this initiative</p>		To investigate the possibilities of getting financial aid through the PHARE Programme to complete the furnishing of the existing housing facilities and to open new ones - in view of reducing the expenses for rent payment for private lodgings.
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<p>8. CIREA, Dublin Convention – preparation by the AR</p>	<ul style="list-style-type: none"> - AR is the body to deal with cases in connection with the Dublin Convention; - A list of third safe countries has been compiled. . 	<p>Bulgaria should join CIREA as observer in view of getting current information about countries of origin, as well as ensuring criteria for taking decisions equal to those in the EU Member States regarding refugees from certain countries.</p> <p>Two Member States to be identified for carrying out of a “Dublin” training course under the Odysseus Programme. This programme should include the relevant changes which will take place over the next four years</p>	<p>Training under the Odysseus Programme (2 EU Member States)</p> <p>PAA to assist in bringing the procedure at the AR in compliance with the new trends in the legislation and the asylum granting procedure, ensuing from the Amsterdam Agreement.</p>

II Procedural Elements

1. Identified needs, improvements	2. Progress made (considering FWD, NAP, etc.)	3. Suggested steps for changes/ improvements	4. Relevant existing projects/ initiatives	5. Identified new projects/ initiatives
1. Framework and Support for the Practitioners in the field	The Refugee Law and the Organisational Rules specify the organisation and competences of the AR employees.			PAA should render support regarding practitioners-experts.
A) The role and responsibilities of AR to be clarified	A. Art. 35 of RL and the OR (approved by CM on 09.05.2000) specify the leading role of AR as the central body implementing the policy on asylum in the Republic of Bulgaria.			
B) The role of border and local authorities to be clarified	B. Art. 44 of RL specifies the role of the different authorities in the procedure for granting refugee status. The employees making the	B. See item I.2.D To work out clear and detailed instructions for the border and local authorities with regard to the application of Art.		

	<p>registration, together with the UNHCR and the personnel of all regional mayoralities in Sofia, have participated in seminars, where they have been trained to enforce the refugee legislation, address registration rules and the new documents. The seminars took place in November and December 1999.</p>	44, par. 5 of RL.		
<p>C) Modernization of facilities/ AR Administrative Office</p>		<p>C. Development of a project for modernization of the existing housing facilities and equipment of AR.</p> <p>Development of a modern concept for the building up of AR infrastructure.</p>		<p>C. Submission of the projects to the National PHARE Programme, within the Twinning Project in view of finding possibilities for their funding. PAA shall assist their realisation.</p>
<p>D) Improvement of the technical equipment</p>		<p>D. Development of projects for providing with modern technical devices and</p>		<p>Submission of the projects to the National PHARE Programme, within the Twinning Project in view of finding possibilities for their funding. PAA will assist for their</p>

<p>E) Division of labour / specialisation of staff</p>	<p>E. Five interviewers have been to the BAFL to exchange experience. This kind of training provides the best results. The trained interviewers shared their experience with their colleagues in Bulgaria, particularly on matters of the refugee status.</p> <p>Qualification is improved through participation in courses, seminars and international events for exchange of experience.</p>	<p>equipment and relevant software, in accordance with EU requirements regarding the equipment of the work place.</p> <p>E. Development of the functional responsibilities of the Registration Department in accordance with the OR of AR.</p> <p>Specialised initial and continuing training of interviewers and staff, who assess applicability and grounds of applications.</p> <p>Specialised training of the registration staff.</p>		<p>implementation</p>
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<p>2. Creation of documentation and information centre and improvement of technical equipment</p>	<p>A decision has been taken for the establishment of a central documentation centre at AR.</p> <p>Two employees of the Information Department of AR have been trained for a month at BAFL, Germany.</p>	<p>Establishment of a central documentation centre, which will collect and submit information about countries of origin and data about the applicants.</p> <p>Legislation should be further elaborated and improved.</p> <p>Fingerprints identification system should be established.</p> <p>Training of staff.</p> <p>Permanent access to the information should be provided to those authorities involved in the asylum granting procedure.</p> <p>A special provision in the Personal Data Protection Act shall ensure refugees' personal data protection and limit access thereof.</p>	<p>Bilateral contacts with BAFL, Germany continue and extend and are of great use to AR.</p>	<p>PAA will support the establishment of documentation centre</p> <p>Application will be placed to PHARE National Program for financing, technology, equipment, etc.</p> <p>To establish contacts and possibilities for study trips at the Austrian Center ACCORD in view of exchange of experience and technology.</p>
<p>Data protection and exchange of information</p>	<p>The matter is stipulated in § 5 of the RL Supplementary Provisions.</p>			

3. Judiciary control	<p>Refugee Law (1999);</p> <p>Supreme Administrative Court Act (1997);</p> <p>Administrative Proceedings Act (1979, last amendment 1995);</p> <p>Public Prosecutor's Office Act</p>	<p>Concrete work and training plan (including the needs of materials and financial needs) should be developed.</p> <p>Training activity plan should be elaborated.</p> <p>Local experts should be used in the training</p> <p>Constructive visits of judges to EU Member States (administrative courts, supreme courts, etc.)</p>		<p>PAA shall render assistance in the judiciary field.</p> <p>Financial aspects should be reflected in the PHARE National Programme.</p> <p>Development of a programme for exchange of experience with the respective authorities in EU Member States (i.e. Germany: Karlsruhe, Munich, Hamburg, Jena/Gera, Berlin, Wiesbaden, Schwalbach)</p>
a. District courts to handle appeals	a. See I. 2. F			
b. Suspensive effect				
c. Training (administrative proceedings & appeal procedures)	<p>b. Guaranteed by Art. 66, par. 2 of RL.</p> <p>c. A Programme for Rendering Assistance to Judges Hearing Asylum Granting Cases exists (financed by the</p>			

<p>d. Quality of court judgments</p> <p>e. To attract judges as trainers on the requirements for granting refugee status, as well as in the training of police officers.</p>	<p>European Commission). It enables the conducting of working sessions and training visits of judges.</p> <p>A school for magistrates to MJ has been established.</p> <p>d. Concrete measures for improvement of judgments have been undertaken - participation of judges in seminars, round tables, exchange of experience with judges from abroad.</p>	<p>e. AR together with the management of SAC and Police Academy to develop concrete training programmes.</p>		
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<p>4. General Training</p>	<p>Training is on-going:</p> <ul style="list-style-type: none"> • In the organised specialised courses at the Police Academy since January 2000. • Seminars with experts from foreign countries and 	<p>AR to develop a training schedule, long-term training programme and training of trainers plan which shall include on-the-job training, as well as participation in specialized lectures (together with the Sofia University,</p>		<p>Lecturers from AR and the MoI Academy shall deliver a training course for interviewers. Its aim shall be to explain the grounds for asylum granting. The qualification of other interviewers shall be</p>
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<p>A. General training for AR, police and border staff</p> <p>B. To establish a training centre at AR</p> <p>C. Qualification aiming to guarantee the application of RL in the spirit of Acquis of EU</p>	<p>UNHCR.</p> <ul style="list-style-type: none"> • In the organised since January 2000 specialised courses for interviewers at the Police Academy. • Law on refugee issues is studied by all newly appointed police officers <p>C. All training programmes include studying Acquis of EU</p>	<p>UNHCR, NGOs, e.g. Helsinki Committee). The documents should reflect in detail the needs of the various departments and personnel concerned.</p> <p>Development of a training programme for AR management staff.</p> <ul style="list-style-type: none"> • Specialised courses at Police Academy for AR interviewers <p>B. To elaborate a well grounded project for the necessity and expedience of such a centre and a feasibility study for modern technical equipment to train the staff.</p> <p>The training schedule shall reflect the particular needs of the interviewers and the decision makers.</p>	<p>Training programme for police and border officials. AR</p> <p>UNHCR provides regular training</p> <p>The Helsinki Committee provides regular training</p>	<p>improved through training courses.</p> <p>B. Submission of the project at the PHARE National Programme in view of finding possibilities for funding.</p> <p>C. PAA to render support for the training programme to ensure RL interpretation in the spirit of the requirements of Acquis of EU.</p>
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<p>D. Strengthening competencies, specialised training for interviewers, decision makers, case workers for vulnerable groups and for people for whom special considerations exist:</p> <p>Victims of torture, Minors, Women, Traumatized persons</p>	<p>At AR a programme has been developed for specialised training of interviewers to work with vulnerable groups of refugees.</p>	<p>Training for AR management, new staff, existing staff</p> <p>Specialized training: Vulnerable groups such as minors, women, torture victims, traumatized persons; Correct application of the Refugee Law.</p> <p>Training should include local potential - people with expertise in a broad range of issues, including sociology, anthropology, medicine, psychology, etc.</p> <p>The Helsinki Committee shall help in providing specialized training</p> <p>Border police will continue to implement their training programme</p>		<p>Training plan, training schedule and training of trainers concept to be developed by AR and the responsible authorities</p> <p>PHARE National Programme should reflect training related financial aspects</p> <p>Comprehensive training for decision makers</p> <p>PAA to provide support for training programme</p>
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III Post-procedural elements

1. Identified needs, improvements	2. Progress made (considering FWD, NAP, etc.)	3. Suggested steps for changes/ improvements	4. Relevant existing projects/ initiatives	5. Identified new projects/ initiatives
<p>1. Status & Integration:</p> <p>A. Status of refugees</p> <p>B. Rights of refugees (accommodation, social, medical and psychological help, right to employment, income generation programmes, etc.)</p>	<p>Chapter 3 of RL stipulates AR obligations in this respect.</p> <p>In 2000 AR together with UNHCR and NGOs is applying a pilot project of a Programme for Integration of Refugees with Granted Refugee Status; it includes financial aid for integration, Bulgarian language courses, consultations and assistance in registering at the Municipality Social Support Departments and the Labour Offices, psychological motivation training for unfolding the refugees' personal potential, etc.</p>	<p>The AR shall elaborate projects for the development, consolidation and more efficient functioning of its structure, which according to Art.37 - 39 of RL provide conditions for the refugees and the applicants for refugee status to avail themselves of their rights as per Art. 25 and 28 of that Law.</p> <p>The functions of the authorities interviewing the applicants shall be specified. Governmental and local self-government authorities, NGOs, UNHCR and others will jointly discuss integration schemes, paying special attention to the housing of those with granted refugee status.</p>	<p>In July 2000 a Conference on Integration of Refugees in the Republic of Bulgaria will be carried out. It is organised by ECRE. Its aim is the development of a long-term programme for integration of refugees by working out in detail the concrete obligations of NGOs, government bodies and local self-government authorities.</p>	<p>Development of a PHARE National Programme in the field of integration</p> <p>PAA may assist in satisfying the needs connected with integration.</p> <p>Together with EU experts to discuss the possibilities for development of a National Strategy for Housing and Finding Employment for Persons with Granted Refugee Status in the Republic of Bulgaria.</p>

C. Rights of the applicants for a refugee status	Accommodation, social, medical and psychological help, education, stipulated for in RL, are provided.			
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IV Other Issues Raised

1. Identified needs, improvements	2. Progress made (considering FWD, NAP, etc.)	3. Suggested steps for changes/ improvements	4. Relevant existing projects/ initiatives	5. Identified new projects/ initiatives
Financial Prospects Outlook		<p>AR should look into including the financial aspects in the PHARE and Odysseus National Programs, bi-lateral programs.</p> <p>NGOs should look into funding projects of EU and other sources (EIDHR, ERF, etc.)</p> <p>To discuss the possibility of funding of NGO activities by Bulgarian government</p>		<p>PAA should seek to provide further support</p> <p>PHARE National Programme should reflect these considerations</p> <p>Odysseus, EIDHR funding should be pursued</p>
PHARE Horizontal Programme Study Visits			Forthcoming is participation in the PHARE Horizontal Programme study visits.	

Legend:

AR - Agency for Refugees

BHC - Bulgarian Helsinki Committee

GC - the Geneva Convention (1951)

RL – Refugee Law

AA - Aliens Act

NWG - National Working Group

NYP - the New York Protocol of 1967

NAP - National Action Plan

PAA - Pre-Accession Advisor

TSC – Third Safe Countries

SCO - Safe Countries of Origin

OR - Organisational Rules

BAFL - Federal Administration for Recognition of Foreign Refugees FRG

FWD - National working document

ANNEX 7

Rough specification of the necessary sets and the training aids for equipment of a training center in the Agency for Refugees in Sofia –
~ 40 000 Euros

Type and number	Single price in Euro	Total
1. Air-conditioning – 1 for volume of 64 m ³	950 Euros	950 Euros
2. Computers – 15 (included 1 server and 1 lap-top) / Processor - Pentium III ; min. 733 MHz; 128 MB RAM; installed network card - KOMBO, audio and video card; hi-fi speakers; CD - ROM driver; connection by the network. Monitor - 17"; HDD - 15 GB;	1 400 Euros	21 000Euros
3. Printers – 5 / LJ HP 40 - 50 N	350 Euros	1 750 Euros
4. Copiers – 2	580 Euros	1 160 Euros
5. Multimedia Projector - 1	1 140 Euros	1 140 Euros
6. Table for the multimedia – 1	150 Euros	150 Euros
7. Overhead projector (OHP) - portable – 1	500 Euros	500 Euros
8. Table for the OHP - 1	350 Euros	350 Euros
9. Television set – 1	500 Euros	500 Euros
10. Video recorder – 1	300 Euros	300 Euros
11. Electronic screen - 180/130 – 1	1 400 Euros	1 400 Euros
12. Table for the television set and video recorder – 1	400 Euros	400 Euros
13. Stand for electronic screen – 1	300 Euros	300 Euros
14. Flip-chart - 1	300 Euros	300 Euros
15. Reading desk – 1	380 Euros	380 Euros
16. Slide projector – 1	380 Euros	380 Euros
17. Wall-screen – 1	150 Euros	150 Euros
18. Video-camera – 1	2500 Euros	2500 Euros
19. Scanner (color) – 1	450 Euros	450 Euros
20. Bookbinder – 1	650 Euros	650 Euros
21. Office desks – 10	150 Euros	1 500 Euros
22. Chairs – 20	70 Euros	1 400 Euros
23. Cupboards - 90/45/114 – 7	125 Euros	875 Euros