

## ANNEX 1

### MULTI-ANNUAL PROGRAMME

**MEMBER STATE: REPUBLIC OF BULGARIA**

**FUND: EUROPEAN RETURN FUND**

**RESPONSIBLE AUTHORITY: INTERNATIONAL PROJECTS DIRECTORATE -  
MINISTRY OF INTERIOR**

**PERIOD COVERED: 2008 - 2013**

#### **1. SITUATION IN THE MEMBER STATE**

##### **1.1. The national situation and the migratory flows affecting it**

The accession of the Republic of Bulgaria to the European Union (EU) demanded new and higher requirements in the approach to analyzing the migration situation in respect of:

- collecting and summarizing statistical data for the migration processes in the country;
- observation of the migration processes;
- Defining and evaluating potential risks which could cause certain tendencies in the dynamics of the migration situation in the Republic of Bulgaria, both in the national and the collective security in EU.

The harmonization of the national legislation with the European legislation and the overall reform in migration area has been carried out by number of measures. Migration Directorate was established in February 2004 after the Ministry of Interior act was changed. The Directorate is a specialized structural unit with national competences and it performs administrative control over the foreigners' stay in the Republic of Bulgaria, as well as over the implementation of the migration policy in the country. Regional "Migration" Sectors with territorial competences were set within the structures of the District MoI Directorates. Their priority tasks are connected with:

- improvement of the activity in accordance with the established European practices and standards on the administrative control of the foreigners in the Republic of Bulgaria;
- improving professional qualification and further strengthening the administrative capacity of the Migration Directorate staff;
- optimizing the cooperation with other EU Member States, as well as with non governmental and international organizations in regard of providing social, humanitarian and psychological support; consultations for the purpose of voluntary return; support and consultation for reintegration in the countries of origin.

Following the accession of the Republic of Bulgaria to the EU, the country became attractive destination for citizens of third or “risky” countries not only as a transit country but also as a possibility for permanent stay of these citizens.

The main factors determining migration flows remain the poor economic development of the countries of origin, the geographic position of the Republic of Bulgaria and the possibility to find a job at the labour market in the developed EU countries.

The specifics of the geographical position of Bulgaria predetermine the existence of a variety of legal and illegal migration flows. A stable trend in the increase in the number of the illegally staying foreigners in the Republic of Bulgaria has been observed.

The order and conditions pursuant to which the foreigners can enter, stay and leave the Republic of Bulgaria are set by the Law on Foreigners in the Republic of Bulgaria. "Foreigner" in the sense of this law shall be any person who is not a Bulgarian citizen or is not a citizen of another Member State of the European Union, of a state party to the Agreement on European Economic Area and of the Swiss Confederation.

A foreigner may enter the Republic of Bulgaria if he/she is an owner of a valid travel document or other document substituting it - for example a visa when such is required.

The reasons for the illegal stay of foreigners on the territory of the Republic of Bulgaria remain the same during the last few years and are often the following:

- illegally crossing the border of the Republic of Bulgaria;
- exceeded staying period in the country or exceeded visa validity term;
- foreigners who were refused asylum under the Law for the Asylum and the Refugees and do not leave the Republic of Bulgaria within the indicated period;
- foreigners on the territory the Republic of Bulgaria in relation to whom the Migration Directorate is the responsible authority for the execution of activities on the implementation of EC Regulation №343/2007 of the Council;
- foreigners who have committed premeditated crime/s on the territory of the Republic of Bulgaria which is punishable with more than 3 years imprisonment according to the Bulgarian legislation.

The main migration flows and countries of origin generating illegally staying foreigners are as follow:

### **Asia - Europe**

In the direction Asia – Europe the Republic of Bulgaria’s border with Republic of Turkey is the most vulnerable. Citizens of the Republic of Iraq, Pakistan, the Islamic Republic of Afghanistan, Palestine, the Republic of Lebanon and the Syrian Arab Republic seek refugee status under the Law for the Asylum and the Refugees. In most of these cases Republic of Bulgaria is a transit country and the final aim is the countries of Central and Western Europe.

### **Africa - Europe**

Entering the territory of Republic of Bulgaria is predominantly legal and occurs most often after the expiry of the stay period, determined by the law. In those cases foreigners either stay in the country or take actions for illegal moving in the direction of Republic of Bulgaria through the Republic of Serbia to the countries of Central and Western Europe.

## **Republic of Moldova- Republic of Bulgaria- Greece**

In the period 2006- 2008 groups of 10- 20 citizens of Republic of Moldova who had entered legally the territory of Republic of Bulgaria through the Republic of Romania, made some occasional attempts to reach their final aim- entering the territory of Greece.

Main characteristics describing the migration situation in the past few years are:

- increased flow of people going out of the borders of Republic of Bulgaria;
- steady growth of the long term stay permits issued;
- on the one hand there is a tendency towards the increase in the number of citizens of member states who stay longer in the Republic of Bulgaria while on the other, the number of the same category of people coming from third countries remains the same;
- on the basis of more effective control mechanisms concerning the stay of foreigners in Bulgaria, there is an increased number of compulsory administrative measures imposed.

### **1.2. Measures undertaken by the Member state**

Republic of Bulgaria pursues purposeful state policy for regulating the migratory flows.

#### **Legal framework**

In 2007 the Law for Entering, Residing and Leaving the Republic of Bulgaria of European Union Citizens and Members of their Families was adopted. This law is in full compliance with Directive 2004/38/EU. The most important point in the law is the differentiation between the legal regime for EU citizens and that for third country nationals whose stay in the country is regulated by the Law for the Foreigners in the Republic of Bulgaria. The basic principle underlined in the Law is the establishment of a register regime for the stay in the country of EU citizens and the members of their families who are EU citizens too.

Following the last amendments of 2007 in the Law for the Foreigners in the Republic of Bulgaria, Bulgarian national legislation is harmonized with the *acquis communautaire* with respect to the status of foreigners. The requirements of the following acts have been introduced: Directive 2003/110/EU; Directive 2003/109/EU; Directive of the Council 2003/86/EU; Directive 2001/51/EU; Directive of the Council 2001/40/EU; Directive 2004/82/EU and part of the provisions of Directive 2005/71/EU.

Among the most essential amendments is the establishment of a regime concerning the recognition in the Republic of Bulgaria of a decision for expulsion of third country nationals that is made by a competent authority of another member state; Moreover, there are now explicit provisions for judicial appeal of the warrants for expulsion, as well as the creation of legal guarantees for effective execution of the right of protection of foreigners in an independent institution, in accordance with the provision of article 13 of European Convention for Protection of Human Rights and Fundamental Freedoms.

### Cooperation with other state authorities and non- governmental organizations

Migration Directorate at Ministry of Interior is maintaining close cooperation with the State Agency for Refugees at the Council of Ministers (SAR) in the Republic of Bulgaria. The Agency is the competent authority which processes complaints/requests logged by foreigners to obtain humanitarian or refugee status. The Migration Directorate is then informed of the decision taken by the Agency on each of the complaints/requests.

In compliance with Regulation (EO) 343/2003 a Decree for the responsibility and coordination of the State authorities of the Republic of Bulgaria was adopted. The Decree treats the interaction between MoI (Border Police, Migration Directorate, Research Institute for Forensic Science and Criminology) and State Agency for the Refugees at the Council of Ministers, stating that the two institutions engage in joint actions and information exchange while performing their functions for the implementation of the Regulation.

In cases when SAR establishes that a foreigner logged a request for status in the Republic of Bulgaria and that a similar request was logged in another Member State, procedures are put in place for identifying the competent Member State which would proceed the request. SAR issues the laissez-passer and provides the necessary information to the Migration Directorate at MoI for organizing the foreigner's transfer. SAR informs the accepting Member State for the place, date and time of the foreigner's arrival at MS's territory.

When the foreigner is in the territory of another Member State and the Republic of Bulgaria is the competent country to process the request for the foreigner's status, officials of SAR perform the necessary checks on the person. After Migration Directorate receives the necessary information from SAR, the Directorate takes control upon the foreigner at the respective Border Crossing Point of the Republic of Bulgaria.

In case of rejection of the request, SAR informs the Migration Directorate of its negative decision and the Migration Directorate performs all procedures on expulsion of the foreigner.

In 2007 agreements between MoI, in particular between Migration Directorate and the Bulgarian Helsinki Committee, Bulgarian Red Cross, Caritas Bulgaria and Assistance Centre for Torture Survivors – ACET were signed. The Parties under these Agreements had stated their readiness for partnership, cooperation and coordination of the efforts and resources for performing joint actions; support the migration policy as a part of the European policy in the migration area for following the objectives and for fair treatment of the third country nationals, as well as for improved management of the migration flows. The aim is to strengthen the interaction for implementing activities on humanitarian support, consulting and voluntary return to the countries of origin or safe third countries.

Cooperation with NGOs:

- implementation of programmes for specialized training of Migration Directorate officials;
- working meetings for solving issues related to the returnees (e.g. discussing with NGO the possibility for identification of the returnee, providing alternative accommodation, means of subsistence, possibility for escort to safe third country, etc.);
- legal consulting of foreigners;

- activities with foreigners - social, psychological and therapeutical.

On the basis of the agreements signed with the NGOs, their representatives have the opportunity to work with the aliens accommodated there weekly. In particular, the cooperation involves social and legal advice to returnees. If possible, NGOs assist the third-country nationals who declared their will for voluntary return in the process of reintegration in the country of origin; humanitarian aid for aliens who stay at the Temporary Accommodation Centre for Third-Country Nationals over 6 months and against whom compulsory administrative measures have been taken. Upon proposal by the Migration Directorate, the Bulgarian Red Cross provides means of subsistence and shelter to aliens who have exceeded the 6-month period. NGOs carry out trainings of officials directly involved in the work with the third-country nationals as well.

CARITAS-Bulgaria has been gaining experience in the voluntary return procedures in countries of origin or safe third countries since 2007. The IOM mission in Bulgaria has such experience as well.

#### Administrative capacity of Migration Directorate

In the past years a great number of measures for strengthening the administrative capacity of the authorities for migratory control were undertaken and they were in compliance with the European standards in this field. In 2006 a Twinning light project for strengthening the administrative capacity of Migration Directorate with the partnership of the Migration Service of the Kingdom of Belgium was successfully completed. Seminars concerning the particular activities carried out by the Directorate and its regional structures are held on a regular basis.

#### Mechanisms and instruments for control

The compulsory administrative measures imposed to foreigners according to art.39a of the Law for the Foreigners in the Republic of Bulgaria are:

1. revoking the right of stay in the Republic of Bulgaria;
2. compulsory escort to the border of the Republic of Bulgaria;
3. expulsion;
4. prohibition to enter the Republic of Bulgaria;
5. prohibition to leave the Republic of Bulgaria.

**Compulsory escort to the border of the Republic of Bulgaria** shall be imposed on the grounds of Art. 41 of the Law for the Foreigners in the Republic of Bulgaria:

1. the foreigner cannot certify his entry into the country according to the applicable legal conditions;

2. the foreigner does not leave the country upon expiration of the permitted stay period or in 7-day term after the refusal to extend the stay is notified. It is established that the foreigner entered and stays in the country with false or forged travel document or other substitute document.

**Expulsion** of a foreigner shall be imposed when his presence in the country is unlawful in accordance with Art. 42 and 42a of the Law of the foreigners in the Republic of Bulgaria: his/her presence in the country creates a serious threat for the national security or for the public order, as well as when a decision for expulsion was issued by the competent authority of other EU Member State. By imposing the compulsory administrative measure, the right of stay of the foreigner in the Republic of Bulgaria shall be withdrawn.

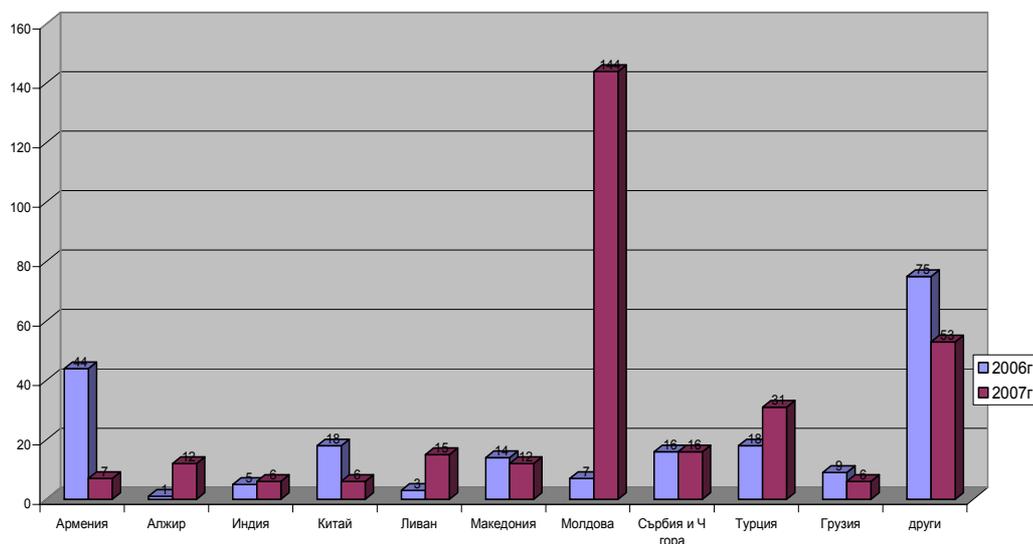
Depending on the reasons for the illegal stay of a foreigner, adequate measures are undertaken:

In case the time-limits set for the legal stay are exceeded to a minimum extent, the voluntary appearance of the foreigner before the services for administrative control and the declaration of his wish for voluntary leave of the country, the foreigner is given a warning and a new time-limit for stay, which is written down in his travel document.

In other cases, the illegally residing foreigner can be found:

- during routine check-ups by the Ministry of the Interior bodies;
- through searching into the automated information databases and finding that the foreigner has not left the territory of the Republic of Bulgaria in the legally set time-limits;
- during checks conducted by officials of regional units "Migration" at the Regional Directorates of MoI and Sofia Directorate of MoI, who find false declarations by foreigners, wishing to legalize their residence in the Republic of Bulgaria. Examples of such infringements are marriages of convenience, false permanent addresses, lack of conditions for residence, etc.
- through notification letter, sent by the State Agency for Refugees, refusing to grant status;
- when a foreigner has committed a premeditated crime on the territory of the Republic of Bulgaria which according to the Bulgarian legislation is to be punished with more than 3 years of imprisonment;
- in case of the return of a foreigner from another EU member-state to Bulgaria, whose application for granting status is to be considered by the competent authorities in Bulgaria.

Coercive administrative measures were applied to 1770 foreigners for 2007 which is 45.6% increase compared 2006. The prevailing groups of foreigners, subject to such measures, came from Iraq, Moldova and Turkey. Compared to the data for 2006 this number is increased by 554 which is an increase by 45,6%.



The number of the executed administrative measures (“compulsory escort to the border” and “expulsion”) is the following:

Year	Total number
2006	211
2007	324
November 2008	247

Compulsory administrative measures are imposed following an ordinance issued by the director of the State Agency for National Security, the directors of the Chief Directorates and the director of Migration Directorate at the Ministry of Interior.

In the presence of the afore listed legal conditions a motivated statement is prepared by the head of “Control on the stay and compulsory and administrative measures” section, at Migration Directorate, as well as by the regional structural units of Migration Directorate on the territory of the country, Chief Directorate Border Police or upon request by the State Agency for National Security. Following such motivated statement an ordinance is issued.

The orders for imposing compulsory administrative measures can be appealed under the conditions of the Administrative Procedure Code.

The ordinance for imposing compulsory administrative measures, such as the “compulsory escort to the border of the Republic of Bulgaria”, can be appealed following the administrative procedure before the first instance within fourteen days from the date the ordinance is handed to the person concerned. The appeal is submitted through the authority

that issued the disputed ordinance or directly to the superior administrative body. In cases when the appeal is submitted through the authority that issued the disputed ordinance, the body can itself reconsider the case and consequently withdraw, revoke or amend the disputed ordinance within 7 days from the receipt of the appeal.

When the administrative body does not find reasons for reconsidering the ordinance, it sends immediately the complaint or the protest along with the whole correspondence to the upper competent administrative body. In two-week term from receiving the correspondence, the competent authority gives its motivated judgement, with which it revokes the contested act completely or partly as unlawful or non-advisable or rejects the complaint.

When the authority which is competent to consider the complaint does not pass judgement on it in the established time limit, the lawfulness of the administrative act can be contested before the court through the administrative body issuing the act,.

The decision of the competent authority to consider the complaint shall be announced immediately to the contesting party and to the other interested parties.

The Administrative Procedure Code (APC) allows the interested person to contest, directly through a judicial procedure, the order for imposing one of the following compulsory administrative measures: “compulsory escort to the borders of the Republic of Bulgaria” and “expulsion from the country”.

The order for imposing the compulsory administrative measure “compulsory escort to the borders of the Republic of Bulgaria” is subject to appeal through the general judicial procedure, as envisaged in the APC, within 14 (fourteen) days from the announcement of the order and before the respective administrative court of first instance. In cases when the person is not satisfied with the judgement of the administrative court of the first instance, he/she can contest it before the second instance – the Supreme Administrative Court.

The appeal procedure on imposing a compulsory administrative measure “expulsion” is stipulated in the Law for the Foreigners in the Republic of Bulgaria and is subject to appeal before the Supreme Administrative Court in 14 (fourteen) days from the announcement of the order. The Decision of the Supreme Administrative Court is peremptory. The appeal against the order does not hinder the implementation of the order for the expulsion, which should be implemented immediately.

The “Control of the stay and compulsory administrative measures” section at the Migration Directorate is competent for the implementation of the imposed compulsory administrative measures, except for the implementation of the Community agreements for readmission in the country of origin. In case the foreigner does not have passport, the Migration Directorate undertakes measures to inform the respective Embassy or Consulate of the country of origin, with the aim to obtain his personal documents and provide the authorities in the respective country with the available information about the foreigner’s identity and nationality. The subsequent activities for expulsion of the foreigner are: providing tickets, providing transit visas, notification to the transport organization and the respective migration services of other member states. In case the foreigner undertakes actions to prevent the implementation of the imposed compulsory administrative measures, the Migration Directorate organizes his/her escorting to the country of origin or to a safe third country.

The authority imposing the above mentioned measures, may, in its own judgment, order the forced accommodation of the foreigner in a Temporary Accommodation Centre for Third

Country Nationals at “Migration” Directorate, until the obstacles to the execution of a compulsory administrative measure no longer exist.

Compulsory administrative measures on aliens imposed by order of the director of the Migration Directorate are 1216 for 2006 and 1770 for 2007. Almost half of these orders have been appealed in administrative and judicial procedures.

#### Temporary Accommodation Centre for Third Country Nationals

The first Temporary Accommodation Centre for Third Country Nationals in Bulgaria was opened in 2006. It was built and at present it functions in compliance with the existing legislation- the Ministry of Interior Act (MoI Act), the Regulation for the implementation of the MoI Act as well as other legal documents. The internal legislation of the centre was developed following the experience and the model of the Belgian Migration Services. The Temporary Accommodation Centre for Third Country Nationals is situated in Sofia and has the capacity to accommodate up to 400 persons. Individual interviews are carried out aiming to encourage and achieve voluntary return. 190 foreigners were temporarily accommodated in the Centre in 2006 and 671 in 2007. At the moment 132 persons are accommodated in the Centre. At present psychologists and interviewers work with the accommodated foreigners in the Centre. Currently the Centre is equipped with 9 cars, 1 vehicle for transportation of detained persons and 1 minibus.

In 2007, preparation activities started for the creation of a second Temporary Accommodation Centre for Third Country Nationals in Lyubimetz situated near the Bulgarian-Turkish border. The centre is expected to start functioning as per date of Bulgaria’s accession to the Schengen area. This activity is included in Objective 5, Measure 1 of the National Indicative Programme 2007-2009 of the Schengen Facility.

The average stay of a foreigner at the Temporary Accommodation Centre for the last 2 years is:

- 44 days for 2006 (counted as of June 2006 when the centre was opened);
- 60 days for 2007.

#### POLICIES:

With regard to the increasing number of third-country nationals entering the Republic of Bulgaria, it is necessary that mechanisms for control and regulation of legal migration be developed as well as those for the return of illegally staying foreigners to their country of origin. The main task is the prevention and fight against the illegal migration. The potential illegal immigrants look for legal ways to enter Bulgaria and consequently breach the national legislation.

### **1.3. The total national resources allocated**

*Table 1: Funds for the implementation of migration policy in Bulgaria financed by national budget:*

<i>Nature of funds</i>	<b>2007</b>
<i>Costs of “Migration” Directorate-MoI, related to accommodation of foreigners (premises, food, heating, etc.)</i>	<i>281 210,53 euros</i>
<i>Costs related to the execution of imposed coercive administrative measures (tickets for the return of citizens of third countries; travelling allowances for the accompanying officials from “Migration” Directorate)</i>	<i>9 331,08 euros</i>

Migration Directorate is staffed with 20 officials directly executing compulsory administrative measures, including escorting to the state of origin. The Temporary Accommodation Centre for Third Country Nationals -Busmantsi is staffed with 80 officials from Migration Directorate, medical staff - 2 persons, logistics staff- 40 persons.

## **2. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE**

The activities related to migration management and insuring stability are of common interest for all member states in EU. Moreover, they are an integral part of the social unity of the whole European society. In their efforts to regulate the level of migration in EU, the countries within the Community should exchange information, negotiate and support each other.

The individual member states, and the European Commission itself, emphasize on the necessity of a common policy in the field of migration, which should meet the current requirements, with the goal of a closer cooperation at European level. A common and comprehensive analysis of the migration processes is needed in order to unify the priorities which are coordinated at EU level.

The member states of EU have undertaken the initiative for more effective cooperation in the field of migration, as well as to define the objectives and priorities of a common migration policy, the key elements of which are:

- combating illegal migration, especially through activities for return in the state of origin, guarding the state borders, implementation of biometry;
- Implementation of proven practices and instruments in the management of regulated migration;
- Intensive exchange of information, related to the migration processes.

### **2.1 The requirements in the Member State in relation to the baseline situation**

In relation to the described situation in Bulgaria, the following requirements are identified:

- optimization of the measures for voluntary return of persons;
- optimization of the performed activities with vulnerable groups in compliance with their specific needs;

- reduction of the time for stay in Temporary Accommodation Centre for Third Country Nationals through more dynamic cooperation with the diplomatic representations and/or consular services, as well as strengthening the cooperation with other MS, local government authorities, and NGOs;

- expanding and increasing the methods of interaction and cooperation with international and national NGOs in the process of achieving an effective and sustainable return;

- expanding the activities related to persons subject of return;

- acceleration of the procedures on identifying foreigners and providing them with the necessary travel documents;

The objective of the absorption of funds under European Return Fund is to improve the procedures for implementation of compulsory administrative measures (“compulsory escort to the border of Bulgaria” and “expulsion”), elaboration of programmes for voluntary cooperation, administrative capacity building for the officials who are directly involved in the procedures of return, development of more integrated management of the return /including elaboration and implementation of integrated plans for return by the competent authorities/. An emphasis shall also be put on the encouragement of voluntary return and the initiation of this procedure, which is comparatively new for Bulgaria.

It is necessary that plans for joint actions in the field of return be elaborated and implemented between the member states. The intentions are to strengthen the cooperation between them in specific fields of the return process, as well as with IOM, UNHCR and other NGOs with which relations are kept in order to elaborate the programs for voluntary return. At present the implementation of such programs is at initial stage and there are almost no voluntarily returned third country nationals to their countries of origin.

It will be useful to benefit of the mediation of FRONTEX Agency, which has among its main tasks to interact with and assist the Member States in the return activities. This would support the acceleration of all procedures, linked to the compulsory return and achievement of swift and effective results.

In this relation, one of the priorities set by the Republic of Bulgaria shall be the development of integrated return plans, together with the competent authorities of the Member States, NGO and other interested parties experienced in the field. The purpose is the achievement of optimum results, in order to guarantee sustainable return in the country of origin or in third countries, when needed.

It is necessary to equip the existing premises for consultation – two rooms at the existing buildings of the Centre in Busmantsi, as well as the specialized vehicles for transportation of vulnerable persons. This is prompted by the necessity for special attitude and treatment of those persons having in mind the European standards and aiming to protect the rights of third country nationals who fall into the so-called vulnerable groups. At present, Migration Directorate disposes of one specialized vehicle for transportation of detained persons, one minibus (8+1 seats), and one all-terrain vehicle - all of them not suitable for the specific needs of vulnerable persons. The supply of five minibuses and four motor vehicles is envisaged in Objective 1 of the National Indicative Programme 2007-2009 under the Schengen Facility. However, that number of vehicles does not meet the needs of the specialized homes

Aiming to enhance the control on the stay of foreigners and the development of migration network in the Republic of Bulgaria, measures for gathering information concerning non-

documented third country nationals have to be established. Taking into account the fact that in accordance with the national rules illegal migrants are subject to sanction, it is necessary to provide them with counselling on the return. That way shall be guaranteed the respect of the dignity and the fair treatment of the persons concerned.

It is also necessary to develop specialized programmes for the specific countries and regions according to the monitored category of illegally staying persons on the territory of the Republic of Bulgaria. It comprises the preparation of the return and the organization (together with another MS) of the travel to a given third country of origin/destination, as well as the gathering of preliminary information about that third country, the supply of services and counselling of the persons who shall be returned. The experience which many of the old MS have gained through the work of their international liaison officers can be implemented in the situation in Bulgaria. That experience can be also applied in the establishment of mechanisms for cooperation and coordination with the authorities in third and transit countries.

## **2.2 The operational objectives of the Member State designed to meet its requirements**

Objective 1: Support for the voluntary return of persons, who do not or no longer fulfil the conditions for stay in the Republic of Bulgaria, by providing assistance and conditions for the persons voluntary returned to their country of origin;

Objective 2: Measures regarding the specific situation of vulnerable persons subject to return (minors, disabled persons, pregnant women, persons with mental disorder, persons who have been subjected to serious forms of psychological, physical or sexual harassment);

Objective 3: Implementing procedures for forced return of illegally staying nationals of third countries with which the cooperation in the field of return is extremely difficult, in compliance with the national and international legislation;

Objective 4: Implementing procedures for return of illegally staying third country nationals in cooperation with other Member States and, where appropriate, with the FRONTEX agency and other organizations;

Objective 5: Informing and counselling persons subject to return about the situation in the country of origin or a safe third country;

Objective 6: Development of the cooperation between the Bulgarian Authorities and the consular and diplomatic services in order to speed up the process of documenting the returnees.

Objective 7: Strengthening the administrative capacity of the national stakeholders in the field of migration policy and improving the regulatory framework on national level.

## **3. STRATEGY TO ACHIEVE THE OBJECTIVES**

For the 2008-2013 programming period, the Republic of Bulgaria has chosen all four priorities listed in the annex to Commission Decision of 30<sup>th</sup> November, 2007. The chosen priorities shall contribute to the development of the Bulgarian migration policy.

Furthermore, the implementation of the operational objectives shall be set up in the Annual Programmes, which respond to the requirements of the Republic of Bulgarian accordance to the progress in the past years, as well as to the contemporary requirements. In order to achieve

the objectives envisaged in the Multi-annual Programme, all interested organizations will be allowed to cooperate and contribute to the implementation process (NGO's, regional and municipal administrations, associations, etc.).

### 3.1. Priority 1

#### **Support for the development of a strategic approach to return management by the Member States**

A. The objective(s) of the strategy and examples of key actions

Objective 1: Support for the voluntary return of persons, who do not or no longer fulfil the conditions for stay in the Republic of Bulgaria, by providing assistance for the persons voluntarily returned to their country of origin. (**Specific Priority 1.1** “*Assisted voluntary return programmes*”)

Key actions:

- campaigns for encouragement of voluntary return of third country nationals with respect of the humanitarian principles and with respect of their dignity;
- special programmes of the Migration Directorate, in co-operation with other interested organizations experienced in voluntary return for the assistance of dignified and sustainable return;
- elaboration of programmes, in accordance to the needs of the returnees whose aim is voluntary/sustainable return.

Elaboration of special programmes on voluntary return between the Migration Directorate and NGOs and/or international organizations (e.g. IOM) is envisaged. Such programmes will be developed for the first time in Bulgaria. Programmes dedicated to the needs of different categories of persons willing to return voluntarily are also proposed by NGOs or international organizations. They are aimed at integration of the returnees in the countries of origin (e.g. a returnee needs a job: the NGO finds one under its programme; or a returnee needs accommodation: the NGO provides accommodation or subsistence).

Objective 2: Measures regarding the specific situation of vulnerable persons subject to return (minors, disabled persons, pregnant women, persons with mental disorder, persons who have been subjected to serious forms of psychological, physical or sexual harassment); (**Specific priority 1.2** “Cash incentives and measures to address the specific situation of vulnerable returnees”).

Key actions:

- specialised programmes for assisting vulnerable persons;
- consulting and counselling in order to encourage the voluntary return of that category of persons;

- joint activities with NGOs such as further qualification or training of officials on work with vulnerable persons subject to return; assistance to vulnerable persons (counselling, legal advice, etc.) during return, including reintegration measures;
- providing suitable conditions and specialized consultation services for vulnerable persons;
- organizing seminars for training of officials working with this category of persons.

**Objective 3:** Implementing procedures for forced return of illegally staying nationals of third countries with which the cooperation in the field of return is extremely difficult, in compliance with the national and international legislation. (**Specific priority 1.3** “Integrated return plans supporting the return of third-country nationals or stateless persons not covered under Community readmission agreements or national bilateral readmission agreements to countries of origin, former residence or transit with which cooperation in the field of return is particularly difficult”).

Key actions:

- executing the imposed compulsory administrative measures, as well as escorting to the country of origin, when necessary;
- optimizing the procedures for the gathering of information necessary to prove the identity and the nationality of the migrant, including the cooperation with third country migration and consular services;
- optimizing the procedures for the return of persons who do not fall into the groups under the different agreements on readmission;
- enhancing the cooperation between national authorities and their third country counterparts responsible for the speeding up of the return procedures;
- seminars directed to all levels of national, regional, local and other public authorities.

B. The target groups under Objectives 1, 2, and 3 are third country nationals or stateless persons who are staying after the granted period (illegally staying persons) or ones who illegally enter the country, vulnerable groups of persons; officials working in the field of return.

C. Indicators

Increased number of:

- voluntary returnees;
- assisted persons under the relevant programmes;
- returned vulnerable persons;
- successfully conducted training seminars;

- meetings conducted between the institutions involved and contacts with competent authorities;

#### D. Strategy to achieve the objectives

As regards the first objective – voluntary return programmes for persons who do not or no longer fulfil the conditions for staying (such as providing assistance and accommodation for voluntarily returnees in the countries of origin), programmes will be elaborated to achieve maximised benefit for the returnees. Active role in this activity will have non-governmental and international organizations. The Migration Directorate in cooperation with other organizations concerned and having the necessary experience in voluntary return programmes will focus its efforts on effective and sustainable return.

In addition to these programmes, it is envisaged to provide information and counselling to vulnerable persons as regards the opportunities for voluntary return; cooperation with non-governmental organizations, etc, which will contribute to the achievement of the second objective. For more effective implementation of these activities, Migration Directorate has premises, suitable for the specific needs of this category of persons. For the more efficient usage of these premises, additional equipment is envisaged under Return Fund.

The envisaged activities under Objective 3 (implementation of compulsory administrative measures, optimization of information gathering, optimization of the removal procedures; better cooperation between national institutions) are aimed at reduction of time for stay of third-country nationals in the Republic of Bulgaria, with whose countries the cooperation in the sphere of return is difficult.

Measures shall be taken aiming to speed up the process of obtaining return travel documents from the relevant authorities; allocation of financial resources under Return Fund for joint actions with other Member State or/and third country, including the transportation and all other expenses for removal of the persons from Bulgaria to the country of origin (including the purchase of motor vehicles, specialised for the needs of vulnerable persons.)

The interaction between the national institutions competent to expedite the return procedures, will be enhanced through seminars and other initiatives among Migration Directorate (its regional structures) and different authorities, engaged in the process of organization and management of the return, such as the Ministry of Foreign Affairs, the State Agency for Refugees at the Council of Ministers, State Agency for National Security, State Agency for Child Protection, judicial authorities, municipalities and non-governmental organizations.

The achievement of the set objectives, based on the respective specific priorities of the Fund, is directed toward the achievement of integrated management of the return.

### 3.2. Priority 2

#### A. Objective(s) of the strategy and examples of key actions

Objective 4: Implementing procedures for return of third country nationals who do not or no longer fulfil the conditions for stay, in cooperation with other Member States and where appropriate with the FRONTEX agency and other organizations. (**Specific priority** *“Integrated return plans which have been designed and will also be implemented in*

*cooperation with other Member States, and, where appropriate, with the Frontex Agency, non-governmental organisations and/or international organisations, with the aim of pooling the different skills, experiences and resources of the authorities of the Member States and where appropriate the other organisations involved”).*

Key actions:

- Establishment of a cooperation network with the returnees centres in the countries of origin in cooperation with other Member States, other international organizations and non-governmental organizations;

The reception centres in countries of origin were created by NGOs with the aim to promote reintegration of third-country nationals. These centres have been used by the MS in order to facilitate the process of return as well as the initial activities on the reintegration of the third-country nationals.

- Exchange of information among the Member States, on the one hand, and between the Member States and third-country authorities, on the other, for speeding up the return process;

The action will comprise gathering of information regarding the current situation in the country of destination, recent amendments of return legislation, and new administrative procedures in the country of return).

- Joint return operations (joint flights or removal by land) with other Member State and where appropriate with the FRONTEX agency and other organizations;

- Joint programmes with a Member State for application of best practices to particular countries or regions of origin or/and former stay.

This Action consists of training by another MS for officials of Migration Directorate (including representatives of its regional structures), national institutions, representatives of NGOs; practical phase is envisaged (visit to another MS to gain experience) and finally, elaboration of a program for cooperation between the Migration Directorate-MoI and the migration services of MS for implementation of best practices regarding the overall process of removal of foreigners.

B. The target groups under Objective 4 include third-country nationals or stateless persons (illegally staying nationals) or those illegally entering the country; officials of the relevant MS migration services; partners from NGOs and/or international organizations, including FRONTEX.

C. Indicators

- Increased number of partner centres for returnees;

- Increased number of information documents exchanged with other MS and third countries regarding the return procedures;

- Number of joint operations conducted;

- Number of programmes with MS for implementation of best practices.

#### D. Strategy to achieve the objective

In order to improve the cooperation with other MS and with different organizations for the implementation of the forced removal of illegally staying third-country nationals, the Republic of Bulgaria envisages the establishment of cooperation network with the centres for returnees in their countries of origin, exchange of information with other MS and with third countries, implementation of joint return operations as well as implementation of programmes for application of best practices.

Through the expansion of the cooperation with non-governmental organizations the number of the contacts established with the centres for returnees in third countries shall increase, which will reduce time for stay in the country and to increase the number of the removed illegally staying third-country nationals. The increase of the conducted joint operations will facilitate the successful finalization of problematic cases of removal and will optimise the removal expenses. Such kind of joint operations will have preventive impact as well. The application of best practices of other MS will increase the effectiveness of the work of the authorities, engaged with return procedures.

The outlined national initiatives under the specific priority of the EC concerning the cooperation with the other MS, non-governmental and/or international organizations are aimed at achieving the Priority 2.

### 3.3. Priority 3

#### **Assistance for specific innovative national/international instruments for the return management**

##### A. Objective(s) and main tasks

Objective 5: Informing and consulting people subject to return in respect of the situation of their country of origin or safe third country. (**Specific priority 3.1** “*Projects which propose particularly innovative ways and means of informing and counselling potential returnees about the situation in the countries of return and/or other innovative incentives for increasing the number of voluntary returnees based on respect for the dignity of the individuals concerned*”)

##### Key actions:

- Informing campaigns for third-country nationals in accordance with the humanitarian principles and with respect for their dignity;
- Cooperation with international and national governmental and nongovernmental organisations for gathering and providing personalised information about the current situation in the country, the region and the place of origin.

Objective 6: Development of the cooperation between the Bulgarian Authorities and the consular and diplomatic services in order to speed up the process of documenting the returnees (**Specific priority 3.2** “*Projects which test new working methods to speed up the process of documenting returnees in cooperation with consular authorities and immigration services of third countries*”)

##### Key actions:

- Meetings with representatives of diplomatic missions in Bulgaria for exchange of information;

- Speeding up of the procedures for the identification of persons and the issuing of travel documents;

B. The target groups under Objective 5 and 6 are Bulgarian officials implementing return procedures; the representatives of the relevant diplomatic missions in the Republic of Bulgaria and accredited officials of third countries which do not have representation in the country; NGOs representatives.

#### C. Indicators

Increased number of:

- informed persons- third countries' nationals;

- informative campaigns carried out;

- meetings with the consular services;

- issued travel documents;

- categories of identified third-country nationals;

#### D. Strategy to achieve the objective

Carrying out information campaigns for the third countries' nationals in respect of the situations in their countries of origin or third safe country will facilitate the respect for human rights and dignity, and will increase their return motivation as well. The informative campaigns and consultation will be carried out in close cooperation with NGOs. The organization and implementation of the campaigns will be financed under the Return Fund.

For that purpose, pursuant to Objective 6, the relations with diplomatic representatives of the countries with the highest migratory potential will be promoted, as well as with accredited third countries' representatives, in order to achieve maximum effectiveness of the return procedures. These activities will be facilitated by the Ministry of Foreign Affairs of the Republic of Bulgaria. The contacts will support the process for an effective identification of the people.

The activities envisaged on the realization of the specific priorities are directed towards the successful implementation of the innovative national or international instruments for return management.

### **3.4. Priority 4**

#### **Support for developing Community standards and best practices on return management**

##### A. Objective(s) and main tasks

Objective 7: Strengthening the administrative capacity of the national stakeholders in the field of migration policy and improving the regulatory framework on national level (**Specific priority 4.2** *Measures taken at national level to ensure a fair and effective implementation of*

*common standards on return, as established under Community legislation on return, including the training of practitioners.)*

Key actions:

- Organising training seminars for national, regional and local authorities on relevant international human rights standards on return;

- Organising training seminars, workshops, expert meetings for migration authorities on Community legislation in the area of return;

- Conducting assessments, in cooperation with international organisations and NGOs, on the regulatory framework and the administrative practical constraints at national level leading to recommendations for potential amendments to the legal framework to facilitate more efficient and sustainable returns.

B. The target groups under Objective 7 are Bulgarian officials implementing return procedures; the representatives of NGOs and international organisations.

C. Indicators

- number and type of training seminars held;

- number of officials and type of authorities trained;

- number and type of topics covered;

- number of assessments conducted;

- number of recommendations for amendments of the national legislation put forward;

D. Strategy to achieve the objective

By organising training seminars under this objective the capacities of competent authorities shall be enhanced – such as increased knowledge of international standards and best practices on return resulting in delivery of high quality of enforcement actions. The results of assessments conducted will lead to better understanding of the legislation of MS relating to return management. The assessment will outline relevant legislative recommendations.

#### **4. COMPATIBILITY WITH OTHER INSTRUMENTS**

The measures envisaged in the Indicative Programme shall contribute to the further development of the migration policy, more specifically in the field of illegal migration in the Republic of Bulgaria and will supplement the following ongoing projects:

4.1. BG 2005/017-353.07.04, sub-project 3: “Modernizing Bulgarian Police and Enhancing its Efficiency” - supply of 1 laboratory for false documents for the needs of the Temporary Accommodation Centre for Third Country Nationals at Busmantsi - in process of implementation;

4.2 Transition Facility BG/07/IB/JH/10: “Effective implementation of the EU *acquis* in the field of migration policy and further strengthening the Migration Directorate’s institutional

capacity”. Several training seminars are envisaged under the project on the practical aspects of the execution of return procedures- inception phase;

4.3 Schengen Facility Objective 5, Measure 1: “Building and renovation activities for modernization of the police premises in the border area” for the Temporary Accommodation Centre for Third Country Nationals in Lyubimetz, Haskovo District- inception phase. A tender procedure for construction will be launched;

4.4 Schengen Facility, Measure/Action 2 - delivery of 4 automobiles and 5 minibuses (8 + 1 type) for the needs of Migration Directorate is envisaged – on going tendering procedure;

4.5 BG 2006/018-343.07.03, Component 3.3: “Modernizing Bulgarian Police and Enhancing its Efficiency” - equipment for the Temporary Accommodation Centre for Third Country Nationals in Lyubimets (region of Haskovo) for the total amount of EURO 0,400 Mill. is being envisaged. The project was approved by EC but placed among the risky projects by the competent National authorities (deputy prime minister on management of EU Funds, MF and Mol) and its financing was rejected.

## **5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY**

### **5.1. The publication of the programme**

The publicity of absorption of the financial resources of the Fund will be ensured by the internet site of the Ministry of Interior – publications of the Multiannual and Annual Programmes, information bulletins and etc. Information campaigns will be carried out jointly with partner organisations.

### **5.2. The approach chosen to implement the principle of partnership**

The procedure for establishing the Multiannual Programme is in accordance with Chapter IV, Articles 19 of the basic act.

In view of the specific strategic guidelines laid down in conformity with the European legislation in the field of illegal migration, the Responsible authority shall coordinate the drafting of the RF Multiannual Programme.

The Responsible Authority has been conducting consultations with relevant stakeholders such as structures at the Ministry of Interior (Migration Directorate, Chief Directorate Border Police), as well as the Bulgarian Helsinki Committee; Bulgarian Red Cross, Caritas Bulgaria and Assistance Centre for Torture Survivors.

The decision-making procedures for adopting strategic documents and decisions shall be outlined in the Manual of procedures. All strategic documents/decisions shall be adopted on national level.

The realization of the activities under the Multi-annual Programme will be carried out through the active partnership between the Bulgarian authorities in the return area and NGOs, UNHCR, IMO and other organizations experienced in the return area.

On 17 January, 2008 the Minister of Interior is appointed by the Council of Ministers as Coordinator of the participation of the Republic of Bulgaria to the European Return Fund and the External Borders Fund.

By Council of Ministers' Decree 104/17.05.2008 an organization and coordination on management of the EU funds was established. Deputy Prime-Minister for managing the EU funds was appointed.

By Council of Ministers' Decree 224/10.09.2008 a Council for Coordination and operative supervision of the EU funds was established. The Council implements consulting mechanisms on the coordination and compatibility of the activities on Return Fund with other activities in this sector financed by other Community sources.

The partnership will be conducted in full compliance with the respective institutional, legal and financial jurisdiction of each partner.

## 6. INDICATIVE FINANCING PLAN

### 6.1 Community Contribution

#### 6.1.1. Table

<b>Multiannual Programme – Draft Financial Plan</b>								
<b>Table 1: Community Contribution</b>								
<b>Member State: Bulgaria</b>								
<b>European Return Fund</b>								
<i>(In 000' euros - current prices)</i>	2007	2008	2009	2010	2011	2012	2013	<b>TOTAL</b>
Priority 1	N/A	340,650	300,000	300,000	320,000	400,480	448,000	2109,130
Priority 2	N/A	120,000	113,528	180,000	265,000	300,000	390,000	1368,528
Priority 3	N/A	142,720	100,000	102,380	150,000	200,000	200,000	895,100
Priority 4	N/A	0	100,000	100,000	80,760	90,000	60,000	430,760
Technical Assistance		77,673	78,438	83,620	65,240	72,520	77,000	<b>454,491</b>
<b>TOTAL</b>	/	<b>681,043</b>	<b>691,966</b>	<b>766,000</b>	<b>881,000</b>	<b>1,063,000</b>	<b>1,175,000</b>	<b>5,258,009</b>

#### 6.1.2. Comments on the figures/trends

The Budget is estimated on the base of the allocations provided by the EC as follows:

- 2008 Budget - SOLID/2007/15 Rev 2;
- 2009 Budget - SOLID/2008/13;
- 2010-2013 Budget - SOLID/2007/25.

## 6.2 Overall Financial Plan

### 6.2.1. Table

<b>Multiannual Programme – Draft Financial Plan</b>								
<b>Table 2: Overall Financial Plan</b>								
Member State: Bulgaria								
European Return Fund								
<i>(in 000' euros - current prices)</i>	2007	2008	2009	2010	2011	2012	2013	<b>TOTAL</b>
Community Contribution	N/A	681,043	691,966	766,000	881,000	1063,000	1175,000	<b>5258,009</b>
Public Co financing	N/A	201,123	204,509	227,460	271,920	330,160	366,000	<b>1601,173</b>
Private Co financing	N/A	0,000	0,000	0,000	0,000	0,000	0,000	<b>0,000</b>
<b>TOTAL</b>		<b>882,166</b>	<b>896,475</b>	<b>993,460</b>	<b>1152,920</b>	<b>1393,160</b>	<b>1541,000</b>	<b>6859,182</b>
% Community Contribution		77,201	77,187	77,104	76,415	76,301	76,249	76,657

### 6.2.2. Comments on the figures/trends

Due to the 100% financing of technical assistance under the Fund the percentage of the Community contribution is higher than 75%.

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