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International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	UN Treaties Database
IOB	1	b		If yes, when was ratification/accession?		Bulgaria ratified the 1954 Convention by law promulgated in the State Gazette on 7 February 2012.	State Gazette of the Republic of Bulgaria No 11 of 7 February 2012 (B)
IOB	1	c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	Yes, Bulgaria has made reservations to: Article 7, paragraph 2 (exemption from reciprocity); Article 21 (housing); Article 23 (public relief); Article 24, paragraph 1 (b) (social security); Article 24, paragraph 2 (right to compensation for the death of a stateless person resulting from employment injury or from occupational disease); Article 24, Paragraph 3 (extension to stateless persons of the benefits of agreements concluded between the contracting states); Article 27 (identity papers); Article 28 (travel documents); and, Article 31 (expulsion). At the High-Level Segment on Statelessness in October 2019 Bulgaria pledged to lift its reservation to Article 31 of the 1954 Convention and to look into the possibility of withdrawing other reservations.	UN Treaties Database UNHCR, Results of the High-Level Segment on Statelessness, 2019
IOB	1	d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes. According to Article 5(4) of the Constitution of the Republic of Bulgaria, international treaties that have been ratified, promulgated and have entered into force for the Republic of Bulgaria, are part of the domestic law of the country	Article 5 (4), Constitution of the Republic of Bulgaria

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						and take precedence over contradicting domestic legislation.	
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes.	UN Treaties Database
IOB	2	b		If yes, when was ratification/accession?		The ratification law was promulgated on 7 February 2012.	State Gazette No 11 of 7 February 2012 (B)
IOB	2	c		Are there reservations in place? Please list them.	As above	No	UN Treaties Database
IOB	2	d		Does the Convention have direct effect?	As above	Yes	Article 5(4) of the Constitution of the Republic of Bulgaria
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes. Bulgaria has made reservations to Article 11 (Decisions); Article 12 (Right to a review); Article 16 (Conservation of previous nationality); and Article 17(1) (Rights and duties related to multiple nationality)	Council of Europe, Chart of signatures and ratifications of Treaty 166
IOB	3	b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. There are no reservations in place.	Council of Europe, Chart of signatures and ratifications of Treaty 005
IOB	3	c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No	Council of Europe, Chart of signatures and ratifications of Treaty 200

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IOB	3	d	Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Yes, Bulgaria is an EU Member State and has no reservations.	EU member countries in brief
IOB	3	e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child 1989	Yes. No reservations.	UN Treaties Database
IOB	3	f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights 1966	Yes. No reservations.	UN Treaties Database
IOB	3	g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights 1966	Yes. No reservations.	UN Treaties Database
IOB	3	h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	Yes. No reservations.	UN Treaties Database

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IOB	3	i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes. No reservations.	UN Treaties Database
IOB	3	j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes. No reservations.	UN Treaties Database
IOB	3	k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	UN Treaties Database

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>Gen. Rec. 32, CEDAW: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>Institute on Statelessness and Inclusion (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>There is no specific category on stateless persons in the census and there is no centralised figure on the total stateless population in Bulgaria. Miscellaneous pieces of data on stateless persons can be found in data gathered by the Ministry of the Interior, the State Agency for Refugees and the Ministry of Justice. The National Statistical Institute has published data on "international migration" in Bulgaria concerning immigrants and emigrants. The number of immigrants is divided into Bulgarian nationals and other nationals. The data on other nationals is divided into two categories: EU nationals and non-EU nationals. The statistical data on non-EU nationals includes aggregate data on "third country nationals, stateless persons and unknown nationality". The Migration Directorate at the Ministry of the Interior gathers data on the number of lawful residents: persons who were granted stateless status and stateless persons or 'persons with unknown nationality' who were granted continuous, permanent or long-term residence permit. There are no statistics on irregularly staying stateless persons in Bulgaria, but some indirect data can be traced in the statistics on immigration detainees and return orders issued. The State Agency for Refugees gathers data on the number of stateless asylum seekers and stateless</p>	<p>National Statistical Institute of Bulgaria, International Migration in 2017 by Age and Citizenship of the Migrants</p> <p>Decision No.812104-135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria</p> <p>Foundation for Access to Rights and ENS, Protecting Stateless Persons from Arbitrary Detention in Bulgaria, pp.15-17</p> <p>The State Agency for Refugees</p> <p>Art.12 of the Law on the Census in Bulgaria in 2021, published in State Gazette No.20 of 8 March 2019, available at: https://www.nsi.bg/bg/content/17050/basic-page/%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD-%D0%B7%D0%B0-%D0%BF%D1%80%D0%B5%D0%B1%D1%80%D0%BE%D1%8F%D0%B2%D0%B0%D0%BD%D0%B5-2021</p>

Statelessness Population Data – 2019

						beneficiaries of international protection. The Ministry of Justice gathers data on the number of stateless persons who obtained Bulgarian nationality. Bulgaria has included stateless persons in its census to be carried out in 2021.	
POP	1	b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>Yes. The Migration Directorate at the Bulgarian Ministry of the Interior gathers statistical data on the number of ‘persons with unknown nationality’ among foreign nationals with continuous, permanent and long-term residence. According to the data provided by the Migration Directorate, as of 8 June 2018 the number of ‘persons with unknown nationality’ is 103.</p> <p>The State Agency for Refugees (“SAR”, the competent institution to grant international protection in Bulgaria) gathers statistics on the nationality of asylum seekers and beneficiaries of international protection in Bulgaria. Analysis of the official statistics of the SAR reveals that Palestinians might be categorized either as stateless or as persons from the “Occupied Territory”. In 2019, however, all Palestinian asylum seekers have been categorized as stateless.</p> <p>According to SAR, in 2017, there were 29 stateless persons and 1 person from the “Occupied Territory” who sought asylum in Bulgaria. In 2017 refugee status was granted to 14 stateless persons and</p>	<p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>Decision No. 212164 - 54 of 21 June 2016 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>Decision No. RD 05 -127/ 16.02.2018 to provide access to public information, Chairperson of the State Agency for Refugees</p> <p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>File "Yearly Applications 2019" published on the website of the State Agency for Refugees at http://aref.government.bg/bg/node/238, accessed on 29.12.2019</p>

Statelessness Population Data – 2019

						subsidiary protection to 11 stateless persons. When imposing “expulsion” and “return”, the Ministry of Interior states the nationality of the foreign national in the respective order. The Migration Directorate has information about Palestinians who are issued such an order. In practice, stateless persons are often assigned to a country of origin that they are assumed to come from or have some cultural or historical link with.	
POP	1	c		What is UNHCR’s estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR does not have an estimate of the population of stateless persons and/or those of risk at statelessness in Bulgaria. In 2019 UNHCR Bulgaria concluded a partnership agreement with the Foundation for Access to Rights (FAR) to provide free legal aid to stateless persons in Bulgaria. In 2019, FAR provided free legal aid to approximately 50 stateless persons in the country.	Response by UNHCR Representation in Bulgaria. Information from Valeria Ilareva, Chairperson of FAR.
POP	1	d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	No.	
POP	1	e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	In 2016, the Foundation for Access to Rights (FAR) under a partnership agreement with the European Network on Statelessness, submitted freedom of information requests and gathered data on the number of stateless persons from the Ministry of the Interior, the State Agency for Refugees and the Ministry of Justice.	Foundation for Access to Rights and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, pp. 15-17, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf

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POP	1	f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	Yes. According to the study, carried out by FAR for ENS in 2016: “As pointed out above, upon detention in Bulgaria stateless persons are usually assigned to a country of origin that they are deemed to have come from or have some cultural or historical link with. In the removal and detention orders stateless persons are identified as nationals of those countries. Therefore, the validity of official statistical data regarding stateless persons in detention should be addressed with caution.” In view of the findings in the 2016 study carried out by FAR for ENS, there are indications that stateless detainees are underreported.	Foundation for Access to Rights and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.15, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf Foundation for Access to Rights, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.15, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf
POP	1	g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Govt also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	According to the statistics of the State Agency for Refugees (SAR), in 2017 there were 29 stateless persons and 1 person from the “Occupied Territory” who sought asylum in Bulgaria. In 2017 refugee status was recognised to 14 stateless persons and subsidiary protection to 11 stateless persons. In 2016, 69 stateless persons and 1 person from the “Occupied Territory” applied for asylum. In 2016, 13 stateless persons received refugee status and 8 stateless persons received subsidiary protection.	Decision No. RD 05 – 127/16.02.2018 to provide access to public information, Chairperson of the State Agency for Refugees.
POP	2	a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	According to Decision No. 212164-54 of 21 June 2016 to provide access to public information, issued by the Ministry of the Interior of the Republic of Bulgaria, the number of stateless persons in immigration detention in Bulgaria is as follows: In 2007: 1; In 2008: 9; In 2009: 6;	Decision No. 212164-54 of 21 June 2016 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria. Decision No. 812104-135 of 8 June 2018 to provide access to public

Statelessness Population Data – 2019

						<p>In 2010: 10; In 2011: 5; In 2012: 26; In 2013: 38; In 2014: 11; In 2015: 31; As of 15 June 2016: 3.</p> <p>According to the answer in Decision No. 812104-135 of 8 June 2018 to provide access to public information, issued by the Ministry of the Interior of the Republic of Bulgaria: In 2016, only 1 “person who identified himself as stateless” was detained (this data contradicts the answer provided by the Ministry of the Interior in June 2016); In 2017, 3 “persons who identified themselves as stateless” were detained; As of 21 May 2018, 2 “persons who identified themselves as stateless” were detained. In the answer provided by the Ministry of the Interior in June 2018 the authorities refer to “persons who identified themselves as stateless” and it remains unclear whether the authorities considered them as stateless (for example, in the detention and return orders issued).</p>	<p>information, Ministry of the Interior of the Republic of Bulgaria.</p>
POP	2	b	Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	<p>No. The Migration Directorate, Ministry of Interior, does not keep statistics on the number of individuals released from immigration detention whose return orders were not enforced due to lack of the necessary documentation.</p>	<p>Decision No. 212164 -54 of 21 June 2016 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>	

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 1(1) & 1(2)	Yes. There is a definition of a stateless person in Article 2(2) and Article 21b of the Law on Foreign Nationals in Republic of Bulgaria (LFRB): a stateless person is “a person who is not considered as a national by any state in accordance with its legislation” which is a narrower definition than the one in the 1954 Convention. In April 2019 Article 21e(1) LFRB was amended to limit the possibility for de facto exclusion of irregularly staying stateless persons. Following the amendment, Article 21e LFRB now reads that a refusal may be issued to an applicant who: “1. has entered the country or attempted to pass through it not through the places established for that or by using untrue or forged documents and who does not comply with the requirements of this law and its implementing regulations on the granting of stateless person status; 2. resides irregularly on the territory of the Republic of Bulgaria as of the date of submission of the application and does not comply with the requirements of this law and its implementing regulations on the granting of stateless person status”. These de-facto exclusion clauses contradict the 1954 Convention as no requirements for lawful residence or for lawful residence for a certain period of time are envisaged.	Law on the Foreign Nationals in the Republic of Bulgaria – Article 2(2) and Article 21e (in Bulgarian: 21 д), para 1 and 2 of LFRB, https://lex.bg/bg/laws/ldoc/2134455296 (B) State Gazette No.34 of 23 April 2019.

SDS	1	b	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure (proceed to Question 2a).</p> <p>2. There is no dedicated SDP but there are other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) (proceed to Question 10a).</p>	<p>UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p>UNHCR (2016): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>#1. There is a dedicated statelessness determination procedure (SDP) established in law.</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, https://www.lex.bg/laws/ldoc/2135738597 (B)</p>
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				<p>3. There is a dedicated Stateless Status but no formal procedure for determining this (proceed to Question 16a).</p> <p>4. None of the above. Are there other possibilities for stateless people to regularise their stay without their statelessness being determined (proceed to Question 17a)?</p>			
SDS	2	a	Access to procedure	<p>Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.</p>	<p>UNHCR (2014) : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR (2016): It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	<p>Yes. The examination of statelessness claims is conducted by a centralised body, the Director of the Migration Directorate at the Ministry of Interior or an official authorised by him/her. The Migration Directorate communicates with other authorities in the procedure: the State Agency for National Security, the Ministry of Foreign Affairs and the Ministry of Justice.</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 21d (In Bulgarian: 21r), https://lex.bg/bg/laws/ldoc/2134455296 (B) Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63a(3), Article 63b(1), Article 63c, Article 63 e. In Bulgarian: чл. 63а, ал. 3, чл. 63б, ал. 1, чл. 63в, чл. 63д), https://www.lex.bg/laws/ldoc/2135738597 (B)</p>

Statelessness Determination and Status – 2019

SDS	2	b		<p>Are there clear, accessible instructions on how to make a claim of statelessness?</p>	<p>UNHCR (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).</p> <p>UNHCR (2016): Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	<p>No. There are no instructions in the application form on how to fill it in.</p>	<p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63a(1), https://www.lex.bg/laws/ldoc/2135738597 (B)</p>
SDS	2	c		<p>Can submissions be made orally and/or in writing in any language?</p>	<p>ENS (2013): Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	<p>No. The procedure starts with a written application. The general rule for administrative procedures is that documents in a foreign language shall be accompanied by translation into Bulgarian. In its official response to our freedom of information request, the Migration Directorate at the Ministry of the Interior referred to article 63h (in Bulgarian: 63з) of the Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria. According to this article, the documents that are submitted by the applicants shall meet the requirements of the relevant provisions of the bilateral agreements or of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents or of the Bulgarian Regulation on Legalization, Certification and Translation of Documents and Other Documents (SG, issue 73 of 1958). The documents shall be translated into Bulgarian by a certified translator.</p>	<p>Administrative Procedure Code, Article 14(3), https://www.lex.bg/laws/ldoc/2135521015 (B)</p> <p>Decision No. 812104-135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63a(1), https://www.lex.bg/laws/ldoc/2135738597 (B)</p>

Statelessness Determination and Status – 2019

SDS	2	d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	ENS (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	Yes, the application must be made on a specific form - in accordance with Annex 6a of the Implementing Rules.	Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63a(1), https://www.lex.bg/laws/ldoc/2135738597 (B)
SDS	2	e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	UNHCR (2016) : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . UNHCR (2014) : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	No. The law requires submission of an application form by the person.	Law on Foreign Nationals in the Republic of Bulgaria, Article 21c (In Bulgarian:21b), https://lex.bg/bg/laws/ldoc/2134455296 (B)
SDS	2	f		Are there obligations in law on authorities to consider the application?	UNHCR (2016) : Access to the SDP must be guaranteed.	Yes. After all relevant facts and circumstances have been established, the director of the Migration Directorate or an official authorised by him/her shall issue a decision granting or refusing the status of a stateless person in the Republic of Bulgaria.	Law on Foreign Nationals in the Republic of Bulgaria, Article 21d (1) (In Bulgarian: 21r), https://lex.bg/bg/laws/ldoc/2134455296 (B)
SDS	2	g		Is there an application fee?	UNHCR (2016) : Access to the SDP must be guaranteed.	An application fee is not explicitly envisaged in law. In 2019 FAR has not recorded a case in which a fee was collected. All applications for a stateless status were examined free of charge.	Tariff No. 4 on the Fees Collected in the System of the Ministry of the Interior under the Law on State Taxation FAR casework practice.

Statelessness Determination and Status – 2019

SDS	2	h		Is there a lawful stay requirement to access the SDP?	<p>UNHCR (2016): Access to the procedure needs to be open to anyone regardless of lawful stay or residence.</p> <p>ENS (2013): There is no basis in the 1954 Convention for requiring lawful stay.</p>	There is no requirement for lawful stay to access the SDP. However, access to the statelessness determination procedure has been impeded in practice by the risk of immediate detention of irregularly residing stateless persons who present to the authorities in order to submit their statelessness application. There is no protection during the SDP so applicants have no access to basic services and may be detained during the procedure.	Law on Foreign Nationals in the Republic of Bulgaria – Article 21e(2)(2) LFRB (In Bulgarian: член 21 д, ал. 2, т. 2) https://lex.bg/bg/laws/ldoc/2134455296 (B)
SDS	2	i		Is there a time limit on access to the SDP?	<p>UNHCR (2016): Access to the SDP must be guaranteed and not subject to time limits.</p> <p>ENS (2013): There is no basis in the 1954 Convention to set time limits for individuals to claim stateless status.</p>	No, there is no time limit.	Law on Foreign Nationals in the Republic of Bulgaria https://lex.bg/bg/laws/ldoc/2134455296 (B)
SDS	2	j		Is there training to inform different government bodies about statelessness and SDPs? If yes, please provide details (e.g. who provides training to whom/how often?)	<p>UNHCR Executive Committee (2006): Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.</p>	<p>The question was asked in a freedom of information request addressed to the Migration Directorate at the Ministry of the Interior. The brief answer obtained is that “trainings are conducted by UNHCR”.</p> <p>According to the response received by UNHCR: “UNHCR regularly conducts national trainings for staff responsible for the examination of SDP applications. The first such training took place in October 2017. In addition, UNHCR includes the issue of statelessness in its regular training provided to the Border Police (3 times per year) and Directorate Migration (employees in charge of detention centers and imposition of return measures) (2-3 times per year).”</p>	<p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>Response by UNHCR Representation in Bulgaria.</p>

SDS	2	k		<p>Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?</p>	<p>UNHCR (2016): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	<p>There is no referral mechanism to the statelessness determination procedure. According to the law, the SDP shall be suspended when it is established that the applicant has also applied for international protection. The SDP shall be suspended until the final decision on the application for international protection is made, unless it is possible to determine statelessness without having to consult the authorities of the country of origin. In case international protection is refused, withdrawn or terminated, or when the asylum procedure is terminated, the SDP may be resumed upon submission of a written application by the applicant. The question was asked in a freedom of information request addressed to the Migration Directorate at the Ministry of the Interior. The answer obtained is that cooperation between institutions is established in Article 63e (in Bulgarian: 63д) of the Law on Foreign Nationals. The file of the applicant shall be sent to the State Agency for National Security and its respective territorial directorates for opinion. Their opinion shall be submitted in writing within 30 working days. The Migration Directorate may provide a copy of the applicant’s file to the Ministry of Foreign Affairs for administrative assistance. The Ministry of Foreign Affairs shall provide the requested information within 45 days. The Migration Directorate may also request information on the</p>	<p>Law on Foreign Nationals in the Republic of Bulgaria, Article 21h, (In Bulgarian: чл. 21з), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>
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						nationality of the person from the Ministry of Justice.	
SDS	3	a	Assessment	Who has the burden of proof in the SDP in law and practice?	<p>UNHCR (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p>UNHCR (2016): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>UNHCR Expert Meeting (2010): Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p>Hoti v. Croatia ECtHR (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>It is rather the applicant who has the burden of proof. Article 63d of the Implementing Rules of the Law on Foreign Nationals reads the following: “(1) In the course of the statelessness determination procedure, the applicant should prove or justify his position as a stateless person, in particular as regards: 1. their place of birth; 2. previous residence; 3. nationality of family members and their parents. (2) The application shall be accompanied by a certificate of birth, official documents certifying the circumstances under para. 1, and a document on their legal residence on the territory of the Republic of Bulgaria. (3) The Migration Directorate may require additional information from other state bodies in order to clarify the circumstances of the possibility of granting the status of a stateless person.”</p> <p>According to Article 21c(7) LFRB, in the course of the SDP, the applicant is obliged to assist the authorities by presenting their situation in good faith and submitting all the evidence relevant for the examination of their application which they have or may reasonably be presumed to be available to them. Still, it could be argued that the administrative authority is obliged to clarify all relevant facts, as</p>	<p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63d (in Bulgarian: чл. 63r), https://www.lex.bg/laws/ldoc/2135738597 (B)</p> <p>Law on Foreign Nationals in the Republic of Bulgaria, Article 21c(7) (in Bulgarian: чл. 21в, ал. 7); Article 21d (1) (in Bulgarian: 21r), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p>

						Article 21d(1) LFRB stipulates that the Directors of Directorate Migration or a person authorised by them is to issue a decision after establishing all relevant facts and circumstances.	
SDS	3	b		<p>What is the standard of proof? Is it the same as in refugee status determination procedures?</p>	<p>UNHCR (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>Inter-Parliamentary Union (2018) The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p>Hoti v. Croatia ECtHR (2018): If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	<p>In Bulgaria the standard of proof in the SDP is higher than the one applied to asylum applications. In the national asylum legislation, there is an explicit provision, which states the following: "Where the applicant's allegations are not supported by evidence, they shall be considered credible if they have made an effort to substantiate their application, has provided a satisfactory explanation for the lack of evidence and their statements have been assessed to be uncontroversial and credible. The lack of sufficient evidence of persecution, including the failure to conduct an interview under Art. 63a(6), cannot be a ground for refusal to grant international protection." There is no such provision regarding the SDP.</p>	<p>Article 75(3) of the Law on Asylum and Refugees, https://lex.bg/laws/ldoc/2135453184 (B)</p>
SDS	3	c		<p>What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP?</p>	<p>UNHCR (2014): Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of the best interests of the child.</p> <p>Gen. Rec. 32, CEDAW: Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral</p>	<p>There are special rules envisaged for (unaccompanied) minors. The application of an unaccompanied minor can be submitted through a representative of an NGO working to protect the rights of vulnerable groups or by another person designated as their representative by law. The application of a minor who is less than 14 years old is filed by their parents or guardians. The application of a minor who is between 14 and 18 years old is filed in the presence of their parents or guardians who shall express their consent</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 21c (In Bulgarian: 21b) https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63b(1) & (3), https://www.lex.bg/laws/ldoc/2135738597 (B)</p>

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					may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women.	by putting a signature on the application. In the case of minors who are less than 14 years old, the interview is conducted with their parents or guardians. When interviewing minors aged between 14 and 18 years, they are accompanied by their parents or guardians. In the case of minors, the minutes from the interview shall be signed/countersigned in accordance with Art. 15(7) of the Child Protection Act – that is, by a representative of the Social Assistance Directorate (social worker). The provisions of the Law on Child Protection in relation to conducting administrative proceedings with children are also applicable.	
SDS	3	d		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013) : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	The question was asked in a freedom of information request addressed to the Migration Directorate at the Ministry of the Interior. The answer obtained is that “Yes, this guidance is the Law on Foreign Nationals in the Republic of Bulgaria and the Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria”. Therefore, decision makers are presented with no further guidance than the legal framework.	Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
SDS	4	a	Procedural safeguards	Is free legal aid available during the procedure?	UNHCR (2014) : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants	Currently in practice free legal aid is provided by NGOs. For example, FAR has a partnership agreement with ENS for provision of free legal aid in cases of strategic importance for social justice. In 2019, UNHCR Bulgaria concluded a partnership agreement with the Foundation for Access to Rights (FAR) to provide free legal aid to stateless persons	National Legal Aid Bureau, “Information – Subcategories – Legal Aid”, https://www.nbpp.government.bg/en/information (B) Decision No. 812104 - 135 of 8 June 2018 to provide access to public

				can access free legal aid free of charge, the same level of access should be provided to stateless people.	in Bulgaria. The partnership continues in 2020. In its answer to our freedom of information request, the Migration Directorate referred to the general regime under the Law on Legal Aid. According to this, the following types of legal aid are provided by the State, if the conditions and procedure are met: consultation aiming to achieve a friendly settlement before the initiation of court proceedings; preparation of documents for filing a court appeal; litigation when the case is already filed in court; litigation in case of detention. In practice, access to the possibilities under the Law on Legal Aid is still hampered by bureaucratic obstacles such as cumbersome procedures for granting legal aid, language barriers, low awareness of the rights of stateless persons, lack of expertise, etc. These obstacles could be overcome by raising awareness among stateless persons, the authorities and lawyers at the National Legal Aid Bureau on the rights and obligations of stateless persons. The Bulgarian Helsinki Committee, through funding from UNHCR, also provides legal assistance and counselling, including for stateless persons and those at risk of statelessness.	information, Ministry of the Interior of the Republic of Bulgaria. Law on Legal Aid, Article 22(1)(10), https://www.lex.bg/laws/ldoc/2135511185 (B)
SDS	4	b	Is an interview always offered (unless granting without interview)?	UNHCR (2014) : The right to an individual interview [is] essential.	Yes, an interview is always offered. The claimant will be informed about the date, time and place of the interview in writing. If necessary, additional interviews may be conducted. The decision is made after an interview with the applicant.	Law on the Foreign Nationals in the Republic of Bulgaria, Article 21 d(2) (In Bulgarian: член 21г, ал. 2); Article 63B (1) and Article 63c; https://lex.bg/bg/laws/ldoc/2134455296 (B)

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SDS	4	c	Is free interpreting offered for statelessness determination interviews?	<p>UNHCR (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p>	<p>The general rule regarding administrative proceedings in Bulgaria is that the expenses for the interpreter are borne by the person who does not speak Bulgarian, if the administrative procedure has begun at their request, unless a law or an international treaty provide otherwise. The official answer to our freedom of information request by the Migration Directorate was that in the SDP free interpreters are provided under the Law on the Ministry of the Interior. However, in its official reply the Migration Directorate does not refer to a specific article from the Law on the Ministry of the Interior. According to the Law on the Ministry of Interior, the police authorities (such as the Migration Directorate officials) may use an interpreter when exercising their powers to explain the reasons for the actions taken and to clarify the rights of a person who does not speak Bulgarian.</p>	<p>Administrative Procedure Code, Article 14(4), https://www.lex.bg/laws/ldoc/2135521015 (B)</p> <p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>Article 106a of the Law on the Ministry of Interior (promulgated in State Gazette No 97 of 2017, in force as of 01.01.2018)</p>
SDS	4	d	Are there quality assurance audits of the SDP?	<p>UNHCR (2016): Quality assurance audits of SDPs are considered good practice.</p>	<p>When asked about quality assurance audits, the Migration Directorate referred to the right of the applicant to judicial review of the decision to refuse statelessness status/to terminate the proceedings.</p>	<p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63g, (In Bulgarian: член 63ж), https://www.lex.bg/laws/ldoc/2135738597 (B)</p> <p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>

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SDS	4	e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	UNHCR (2014) : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	UNHCR, through its representative in Bulgaria, has the right to information, to access the applicant’s file at any stage of the SDP, and to attend the interviews conducted with the applicant.	Response by the UNHCR Representation in Bulgaria.
SDS	4	f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Yes, the law refers to the general requirements for administrative decisions, stipulated in the Code on Administrative Procedure. The latter requires that decisions are made in writing with reasons.	Law on the Foreign Nationals in the Republic of Bulgaria, Article 21g (In Bulgarian: член 21ж) https://lex.bg/bg/laws/ldoc/2134455296 (B)
SDS	4	g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR (2014) : It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.	The decision under the SDP shall be issued within 6 months from making the application. In case of legal or factual complexity the term may be extended for a further period of 2 months. The implementing rules on the application of the SDP in Bulgaria are in force since 27 June 2017. It is too early to assess whether the timeframe is generally complied with. In the individual cases followed by FAR, the timeframe has not been complied with and we have interpreted this as ‘silent rejection’ of the application. According to the Code on Administrative Procedure, there is a silent rejection when the administrative authority does not issue a decision within the timeframe set in law and has not informed the applicant of an extension of that timeframe. In such cases the silent rejection might be appealed within one month from the date by which the decision should have been taken. In case of failure to appeal within that one-month	Law on the Foreign Nationals in the Republic of Bulgaria, Article 21d(3) (In Bulgarian: член 21г, ал. 3), https://lex.bg/bg/laws/ldoc/2134455296 (B)

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						period, the right to appeal is quashed (precluded). At the same time, “UNHCR wishes to note that since the beginning of the SDP in practice in July 2017, 43 positive decisions were issued until December 2017, thereby complying with the legal time-frame.”	Response by the UNHCR Representation in Bulgaria.
SDS	4	h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	<p>UNHCR (2016): Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p>ENS (2013): Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.</p>	No, there is no such referral mechanism. In case of a suspended SDP due to a pending asylum procedure, the SDP can be resumed once the asylum procedure has ended with a final decision having entered into force, upon the submission of a written application by the applicant.	Law on Foreign Nationals in the Republic of Bulgaria, Article 21h, (In Bulgarian: чл. 21з), https://lex.bg/bg/laws/ldoc/2134455296 (B)
SDS	5	a	Protection during SDP	Does the applicant have automatic legal admission while their claim for stateless status is assessed or is there a risk of expulsion?	<p>UNHCR (2014): An individual awaiting a decision is entitled, at a minimum, to all rights based on presence in the territory as well as ‘lawfully in’ rights (including identity papers, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that individuals receive the same treatment as asylum-seekers.</p> <p>ENS (2013): States should refrain from expelling or removing an individual pending the outcome of the determination process.</p>	No, the applicant does not have automatic legal admission while their claim for stateless status is assessed. The law does not provide for such a right. Expulsion is possible during the process. In its answer to a freedom of information request submitted by FAR, the Migration Directorate replied that there are no cases of persons in a SDP who have been expelled.	Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B) Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
SDS	5	b		Do applicants for stateless status have permission to work and access to	<p>UNHCR (2014): Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of</p>	If they have no other permission to stay in the country, applicants for stateless status who are awaiting a decision do not have a permission to work. If the applicant already has lawful residence, they can	Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B)

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				assistance to meet their basic needs?	those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.	apply for social assistance, unless the type of residence permit is 'continuous'. If the applicant has no other permission to stay in the country, they cannot apply for social assistance.	Law on Social Assistance, Article 2(6), https://lex.bg/bg/laws/ldoc/2134405633
SDS	5	c		Do applicants for stateless status face a risk of detention?	UNHCR (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.	Yes, if the applicant has no other permission to stay in the country, the general rules on detention for the purpose of return might be applied to them. Furthermore, in December 2016 a new type of 'short-term' immigration detention (for up to 30 days) was introduced – its stated purpose according to the law is to conduct initial personal identification and to decide on the subsequent administrative measures to be taken.	Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B) Decision No. 812104-135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
SDS	6	a	Appeals	Is there an automatic right of appeal?	UNHCR (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	The applicant has a right to lodge an appeal before the court within 14 days of the notification of the decision. If the applicant fails to make the appeal within this timeframe, the right to appeal is quashed (precluded).	Law on the Foreign Nationals in the Republic of Bulgaria, Article 21g (In Bulgarian: член 21ж) https://lex.bg/bg/laws/ldoc/2134455296 (B) Administrative Procedure Code, Article 149(1), https://www.lex.bg/laws/ldoc/2135521015 (B)
SDS	6	b		Is legal aid available for appeals?	UNHCR (2014) : The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : Applicants should have access to legal counsel both at first instance and on appeal.	Legal aid for appealing a negative statelessness determination is explicitly envisaged in the newly introduced provision of Article 22(1)(10), of the Law on Legal Aid (State Gazette No.97 of 6 December 2016). Currently FAR has a partnership agreement with ENS for provision of free legal aid in cases of strategic importance for social justice. The	Law on Legal Aid, Article 22(1)(10), https://www.lex.bg/laws/ldoc/2135511185 (B) Response by UNHCR Representation in Bulgaria.

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						Bulgarian Helsinki Committee, through funding from UNHCR, also provides legal assistance and counselling, including to stateless persons and those at risk of statelessness
SDS	6	c		Is there a fee for the appeal application?	UNHCR (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard.	Yes. The fee for submission of an appeal to the respective administrative court was raised as of 1 January 2019 (from 10 BGN (5 EUR)) to 70 BGN (36 EUR) for appealing a court judgment and 30 BGN (15 EUR) for appealing a court ruling. If the person doesn't have financial means to pay the fee, they can apply for a fee waiver before the court. Tariff No 1 to the Law on State Fees, Fees Collected by the Courts, the Prosecutor's Office, the Investigation Service and the Ministry of Justice, section A – 2b, https://lex.bg/laws/ldoc/-14643200 (B) Civil Procedure Code, Article 83(2), https://www.lex.bg/laws/ldoc/2135558368 (B) Administrative Procedure Code, Article 144, https://www.lex.bg/laws/ldoc/2135521015 (B)
SDS	6	d		Is there any evidence of significant errors in decision-making?		The Migration Directorate developed the practice of discontinuing the statelessness determination procedure if the applicant is unable to present any document requested by the authorities within a given short term (usually three days). FAR casework/practice
SDS	7	a	Stateless status	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements.	UNHCR (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	On 23 October 2019 important legal amendments entered into force, which introduce a 'continuous' residence permit for holders of stateless status. The residence permit is not an automatic one. The holder of statelessness status shall apply for it, subject to the general requirements for continuous residence permit (i.e. medical insurance and proof Law on the Foreign Nationals in the Republic of Bulgaria, Article 21i, available at https://lex.bg/laws/ldoc/2134455296 FAR and ENS, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p. 13, http://www.farbg.eu/wp-

					<p>of accommodation and means of subsistence). The residence permit is issued for a renewable period of one year and it gives recognised stateless people the right to legally reside in Bulgaria, protecting them from being treated as undocumented migrants and facing the risk of detention. However, the residence permit does not provide access to the labour market nor to the healthcare system. At the same time, the state fee for the residence permit for one year is 500 BGN (255 EUR).</p> <p>Article 21i LFRB states that a stateless person’s travel document can be issued only to stateless persons who have long-term or permanent residence. Besides the SDP introduced in Bulgarian law in December 2016, there is one possibility for a limited category of stateless persons to obtain a residence permit under the LFRB. As well as being stateless, the persons have to meet the following cumulative conditions:</p> <ol style="list-style-type: none"> 1. born in Bulgaria or entered the country prior to 27 December 1998; 2. stayed in Bulgaria ever since and not left the country; 3. from a former Soviet republic and not recognised as a national by any of those republics. <p>This is a regularisation mechanism for a narrow category of undocumented stateless persons in Bulgaria that was introduced in 2011.</p>	<p>content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>
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SDS	7	b		How long is initial status granted for and is it renewable?	UNHCR (2014) : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	The 'continuous' residence permit is valid for a renewable period of one year. After five years of lawful residence, stateless persons may apply for a permanent residence permit. The validity of the travel document of a stateless person is from three months to up to two years. It is renewable. The law does not refer to a period of validity of 'stateless status' itself.	Law on Bulgarian Identity Documents, Article 59(1)(8), https://www.lex.bg/laws/ldoc/2134424576 (B)
SDS	7	c		Is a travel document issued to people recognised as stateless?	UN Convention Relating to the Status of Stateless Persons, 1954 , Article 28.	The law states that a travel document of a stateless person can be issued only to stateless persons who have long-term or permanent residence.	Law on Foreign Nationals in the Republic of Bulgaria, Article 21i, https://lex.bg/bg/laws/ldoc/2134455296 (B) Implementing Rules of the Law on Bulgarian Identity Documents, Article 40(3), https://lex.bg/bg/laws/ldoc/2135663268 (B)
SDS	7	d		Do people recognised as stateless have a right to family reunification?	UNHCR (2014) : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunion of those with recognised stateless status in their territory with their spouses and dependents.	In Bulgarian law there are no family reunion provisions that specifically concern individuals recognised as stateless. If the stateless person is granted 'continuous' residence, permanent residence or international protection, the family reunion provisions relevant for these categories of residence status would apply.	Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B)
SDS	7	e		On what grounds (if any) may residence status granted to stateless people be revoked?	UNHCR (2014) : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a	The status of a stateless person in Bulgaria can be withdrawn if it is established by written evidence that the data on the basis of which the status was granted was untrue. This decision can be appealed.	Law on Foreign Nationals in the Republic of Bulgaria, Article 21k, https://lex.bg/bg/laws/ldoc/2134455296 (B)

					residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.		
SDS	7	f		Do people granted stateless status have permission to work?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 17 UNHCR (2014) : The right to work must accompany a residence permit.	No, neither stateless status in itself nor the ‘continuous residence permit’ entail a permission to work in Bulgaria. No permission is required from third country nationals who have long-term or permanent residence. Stateless beneficiaries of international protection are also entitled to work in Bulgaria without a need for a work permit. Asylum seekers acquire the right to work three months after the date on which they submitted their application for international protection. The rule is applicable to all asylum seekers, regardless of whether they are stateless or not.	Law on Labour Migration and Labour Mobility, Article 9(1)(2) & (3), https://www.lex.bg/bg/laws/ldoc/2136803084 (B) Law on Asylum and Refugees, Article 29(3), https://lex.bg/laws/ldoc/2135453184 (B)
SDS	7	g		Do people granted stateless status have access to primary, secondary, and higher education?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 22	In Bulgaria, school education is mandatory for children under 16 years old. This means that children who are granted stateless status shall have access to primary education. However, there might be practical obstacles, if the child doesn’t have a residence permit, a registration card as an asylum seeker or an identity document as a beneficiary of international protection. In this case the child will not be able to receive a certificate or a diploma for the completed education. There are no special rules concerning stateless persons and no explicit rights	Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.5, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf Law on School and Pre-school Education, Article 9(2)(3)a&e, https://www.lex.bg/bg/laws/ldoc/2136641509 (B)

						<p>follow from the fact of being granted stateless status. Secondary education in state schools is free of charge for third-country nationals who have a continuous, long-term or permanent residence permit, as well as for asylum seekers and beneficiaries of international protection. With regard to higher education, third-country nationals have access as a general rule. Each university has its own admission rules. Third-country nationals might be required to pay higher tuition fees. If the stateless person doesn't have an identity document, he/she will not have access to higher education. If the person doesn't have a residence permit, a registration card as an asylum seeker or an identity document as a beneficiary of international protection, he/she will not be able to receive a certificate or a diploma for the completed education.</p>	<p>Law on Higher Education, Article 95(8), https://lex.bg/bg/laws/ldoc/2133647361 (B)</p>
SDS	7	h		<p>Do people granted stateless status have access to social security and healthcare?</p>	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Articles 23 & 24 UNHCR (2014): The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p>There are no special provisions concerning people granted stateless status or a 'continuous residence permit' in the Law on Social Assistance and in the Law on Health Insurance. In principle third-country nationals and stateless persons with a long-term or permanent residence permit and beneficiaries of international protection are subject to mandatory health insurance. During the asylum procedure, asylum seekers are insured by the State Agency for Refugees. In principle third-country nationals with a long-term or permanent residence permit and beneficiaries of international protection</p>	<p>Law on Social Assistance, Article 2(6), https://lex.bg/bg/laws/ldoc/2134405633 (B) Law on Health Insurance, Article 33(1)(3), https://lex.bg/bg/laws/ldoc/2134412800 (B)</p>

						are eligible for social assistance under the general Law on Social Assistance.	
SDS	8	a	Access to nationality	In what timeframe do stateless people acquire the right to apply for naturalisation and how does this compare to others with a foreign nationality?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 32</p> <p>UNHCR (2016): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>Council of Europe Committee of Ministers (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>ENS (2013): The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	The Law on Bulgarian Citizenship provides that stateless persons are entitled to submit an application for Bulgarian nationality after completing three years as holders of a permanent or long-term residence permit. In comparison, the general rule is that a foreign national is entitled to submit an application for Bulgarian nationality once they have completed five years as a holder of the residence permit.	Law on Bulgarian Citizenship, Article 12 &14, https://www.lex.bg/laws/ldoc/2134446592 (B)
SDS	8	b		Are there requirements relating to ‘good character’ or previous criminal convictions that could prevent some stateless people from accessing nationality? If yes, please describe.	Council of Europe Committee of Ministers (1999) : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Yes. An applicant for Bulgarian nationality shall not have been convicted of a premeditated crime of a general nature by a Bulgarian court and against them there shall be no criminal proceedings for such a crime, unless the applicant is rehabilitated.	Law on Bulgarian Citizenship, Article 12(1)(3) & Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B)
SDS	8	c		Are there exemptions for stateless people from any nationality or integration test, language, income or	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 32</p> <p>UNHCR (2016): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p>	The candidate for Bulgarian nationality shall have income or occupation, which gives them the opportunity to support themselves in the Republic of Bulgaria and shall prove that they have knowledge of the Bulgarian language, which is	Law on Bulgarian Citizenship, Article 12(1)(4) & (5) & Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B)

				<p>fee requirements? Please describe the requirements and cost of the procedure for stateless people.</p>	<p>Council of Europe Committee of Ministers (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p>	<p>determined in accordance with an Ordinance of the Minister of Education. There are no language or income requirement exemptions for stateless people. The language exam to determine proficiency in the Bulgarian language is free of charge for all foreign nationals. For adults the fee to have the nationality application admitted to review is 100 BGN (51 EUR). For children and for students up to 26 years old the fee is 10 BGN (5 EUR).</p>	<p>Centre for Assessment of Pre-School and School Education, http://www.ckoko.bg/page.php?c=24&d=19 (B)</p> <p>Chapter G, point 55 of Tariff No.1 to the Law on State Fees, available at: https://lex.bg/laws/ldoc/-14643200</p>
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Detention

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	ICCPR Article 9(1) ECHR Article 5 (1)	Yes. Immigration detention is provided for in the Law on Foreign Nationals in the Republic of Bulgaria (LFRB).	Law on Foreign Nationals in the Republic of Bulgaria, Article 44(6) & (13), https://lex.bg/bg/laws/ldoc/2134455296 (B)
DET	1	b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	ECHR Article 5(1)(f)	Yes. Besides immigration detention of persons against whom action is being taken with a view to return or expulsion (Article 44(6) LFRB), in December 2016 a new type of detention was introduced in Article 44(13), so-called ‘short-term’ detention lasting for up to thirty days. The purpose is to conduct initial establishment of identity and assess the subsequent administrative measures to be taken by the authorities.	Law on Foreign Nationals in the Republic of Bulgaria, Article 44(6) & (13), https://lex.bg/bg/laws/ldoc/2134455296 (B)
DET	1	c		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	ICCPR Article 7: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Auad v Bulgaria ECtHR (2011) : The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	Neither in law nor in practice is the proposed country of removal identified before a person is detained for the purpose of removal. Both the removal and detention order state the country of nationality of the person only. According to the answer of the Migration Directorate to a freedom of information request by FAR, the country of nationality is stated based on the information acquired at the time of issuance of the orders. By amendment in the Law on Foreign Nationals as of December 2016, the return decision may concern either of the three options: return to “a country of origin”, “a country of transit” or “a third country”. However, the return orders only state the type of return, but not the concrete country applicable to the case. Previously the law referred to the return	Law on the Foreign Nationals in the Republic of Bulgaria, Article 39a(1)(2)&(3); Article 44(6), https://lex.bg/bg/laws/ldoc/2134455296 (B) European Court of Human Rights, Judgment on the Case of Auad v. Bulgaria (Application no. 46390/10), 11 October 2011, Para.139, http://www.asylumlawdatabase.eu/en/content/ecthr-auad-v-bulgaria-application-no-4639010 European Court of Human Rights, Judgment on the Case of Amie and Others v. Bulgaria (Application no. 58149/08), 12 February 2013, Para.77, http://www.asylumlawdatabase.eu/e

						measure as “coercive taking to the border”.	<p>n/content/ecthr-amie-and-others-v-bulgaria-application-no-5814908</p> <p>Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.14 & 19, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p> <p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>
DET	1	d		<p>Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.</p>	<p>Auad v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Equal Rights Trust (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	<p>National law does not explicitly require the authorities to take statelessness into account. When imposing the compulsory administrative measures, the competent authorities shall take into account “the duration of the residence of the foreigner in the Republic of Bulgaria, the categories of vulnerable persons, the existence of proceedings under the Law on Asylum and Refugees or proceedings for renewal of the residence permit or other authorisation offering a right of residence, the person’s family situation, and the existence of family, cultural and social ties with the country of origin”. In a freedom of information request FAR asked the Ministry of Interior whether statelessness is a relevant fact in issuing the detention order. The Migration Directorate replied that the detention order only serves a removal order that is already in place and should have taken all relevant facts into</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 44(2) & (7), https://lex.bg/bg/laws/ldoc/2134455_296 (B)</p> <p>Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 14, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p> <p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>“Joint Submission to the Human Rights Council at the 36th Session of the Universal Periodic Review – Bulgaria”, ISI, ENS and FAR, October</p>

						consideration. The General Directorate of Border Police replied that, after having taken into consideration all relevant circumstances, a detention order may be issued to a stateless person. Asked whether referral to the SDP is possible within the detention regime, the Migration Directorate replied that “applying for the status of a stateless person is a personal choice of every foreign national”. Although it is currently uncertain how this would happen in practice, one could argue that a submission of an application under the SDP from a detention centre would be in compliance with the law. The law requires that the application is submitted in person at the Migration Directorate. The migrant detention centres are part of the Migration Directorate.	2019: https://www.statelessness.eu/resources/joint-submission-human-rights-council-36th-session-universal-periodic-review-bulgaria
DET	1	e		Are stateless people detained in practice?		Yes. Official data provided by the Migration Directorate in 2016: In 2007, 1 stateless person was detained; 2008, 9; 2009, 6; 2010, 10; 2011, 5; 2012, 26; 2013, 38; 2014, 11; 2015, 31; As of 15 June 2016, 3. Official data provided by the Migration Directorate in 2018: “In 2016 one foreign national who defined himself/herself as stateless was detained; In 2017 three foreign nationals who defined themselves as stateless were detained. As of 21 May 2018, two persons who defined themselves as stateless were detained.”	Decision No. 212164 - 54 of 21 June 2016 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria. Decision No.812104- 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
DET	1	f		Does law (and/or policy) provide that	UNHCR (2014) : Detention is a measure of last resort and can only be	Yes, according to the law detention is a measure of last resort. However, in	Law on the Foreign Nationals in the Republic of Bulgaria, Article

				immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	justified where other less invasive or coercive measures have been considered and found insufficient. EU Returns Directive : Article 15(1)	practice there is almost automatic imposition of both removal and detention orders upon identification of a person with irregular residence status in Bulgaria.	44(5)&(6), https://lex.bg/bg/laws/ldoc/2134455_296 (B) Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.21 & 24, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf Bulgarian Helsinki Committee’s synthesis report in their EPIM-funded project ‘Free to Go: Detention as a last, not a first resort’, http://www.bghelsinki.org/media/uploads/documents/reports/special/2016-10_Detention_mapping_report_2016_EN.pdf
DET	1	g		Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	ENS (2015) : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Returns Directive : Article 16(3) EU Returns Handbook (2017) : Attention should be paid to the specific situation of stateless persons. Council of the European Union (2013) : European entities should assess the situation of LGBTI persons in detention.	Article 44(2) LFRB requires the authority to carry out a vulnerability assessment. However, in practice despite recognition of different types of vulnerability by law, in the official statistics of the Ministry of Interior there are only five categories of vulnerable groups of detainees: minors under 14, minors over 14, elderly persons, ill persons and pregnant women. Stateless persons are not recognised as a vulnerable group under Bulgarian law, which has two legal definitions for vulnerable groups of foreigners. One is found in the Law on Asylum and Refugees whereby vulnerable persons are inter	Decision No.212164-54 of 21 June 2016 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 25, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf

						<p>alia “minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation” (non-exhaustive list). The second legal definition that directly applies to immigration detainees is found in the Additional Provisions to the Law on Foreign Nationals ((1)(4)(b)): “[v]ulnerable persons are minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence”.</p>	
DET	2	a	Alternatives to immigration detention	Are alternatives to detention established in law and considered prior to any decision to detain?	<p>ICCPR Article 9 FKAG v Australia HRC (2013): Any decision relating to detention must consider less invasive means of achieving the same ends. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. UNHCR (2014): Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. Human Rights Council (2012) : The obligation to always consider</p>	<p>Yes, Bulgaria has alternatives to detention that shall, by law, be considered prior to detention: 1) weekly reporting; 2) financial guarantee and 3) surrender of a valid passport or another travel document as a temporary pledge. The alternative measures could be applied together or separately. The financial guarantee and the temporary pledge of a travel document were introduced for the first time in the law with the amendments of December 2017. The LFRB does not provide for a statutory time limit for</p>	<p>Law on Foreign Nationals in the Republic of Bulgaria, Article 44(5), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p>

					<p>alternatives before resorting to detention should be established by law.</p> <p>EU Returns Directive: Article 15(1)</p> <p>Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive.</p> <p>International Detention Coalition (2015) : Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>alternatives to detention nor a proportionality test.</p>	
DET	2	b		<p>Is there evidence that immigration detention is used in practice prior to all alternatives being considered?</p>	<p>As above.</p>	<p>In 2016 the Foundation for Access to Rights (FAR) conducted two field studies, in which individual detainees were interviewed and their cases documented and analysed:</p> <p>1) “Protecting Stateless Persons from Arbitrary Detention in Bulgaria” concluded that “alternatives are sought, only after removal has not been possible within a reasonable period of time and/or only upon a subsequent application by the person who has already been placed in detention”.</p> <p>2) “Analytical report on the exercise by detained immigrants of the right to be heard in Bulgaria” found that: “...none of the interviewees were granted a period for voluntary compliance with the return obligation prior to ordering detention. Furthermore, the administrative body failed to consider the presence of any</p>	<p>Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 24, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p> <p>FAR, Analytical report on the exercise by detained immigrants of the right to be heard in Bulgaria, Section III.1, http://hear.farbg.eu/evidence-collection/analytical-report/</p>

Detention – 2019

						circumstances justifying detention as a measure of last resort as compared to other available alternatives in each case. None of the decisions on detention on immigration grounds contain an analysis or reasons for the choice of detention as compared to less coercive alternatives nor an explanation why such alternatives would not be effective.”	
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p>UN Human Rights Council (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p>UNHCR (2012) : To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>EU Returns Directive: Article 15(5)</p> <p>Equal Rights Trust (2012) : Detention should always be for the shortest time possible.</p>	Yes. The maximum period for immigration detention for the purpose of removal is 18 months. The maximum period for the so called “short-term” detention is 30 calendar days.	Law on the Foreign Nationals in the Republic of Bulgaria, Article 44(8)&(13), https://lex.bg/bg/laws/ldoc/2134455296 (B)

DET	3	b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p>UN General Assembly (1988) : Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p>Equal Rights Trust (2012) : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p>International Commission of Jurists (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	Under the general rules of the Code on Administrative Procedure, the written decision to detain, which by law is an administrative act, shall state the factual and legal grounds on which it is based. However due to the lack of interpreters, detainees often do not understand the reasons for detention. According to the analytical report in the HEAR project, an interpreter was present in 3 out of 30 cases that were followed: “Despite this, the detained immigrants were not able to challenge the orders because they did not understand their rights and were not informed that they had the right to receive legal aid”.	<p>Administrative Procedure Code, Article 59(2)(4), https://www.lex.bg/laws/ldoc/2135521015 (B)</p> <p>FAR, Analytical report on the exercise by detained immigrants of the right to be heard in Bulgaria, September 2016, http://hear.farbg.eu/evidence-collection/analytical-report/#_ftn43</p> <p>European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 September to 6 October 2017, p. 33, https://rm.coe.int/16807c4b74?utm_source=ECRE+Newsletters&utm_campaign=9ebbf0fe1-EMAIL_CAMPAIGN_2018_05_25_03_06&utm_medium=email&utm_term=0_3ec9497afd-9ebbf0fe1-422288889</p>
DET	3	c		Are detainees provided with information on their rights, contact details of legal advice and support providers, and	Equal Rights Trust (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which	In June 2018, in its reply to a freedom of information request by FAR, the Migration Directorate stated that detainees “have access to information about contacts of various organisations providing legal and other assistance”. In 2018, UNHCR in Bulgaria produced a video with	Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.

				guidance on how to access an SDP?	are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	information on applying for asylum in Bulgaria, which will be aired in the detention centres in the country.	
DET	3	d		Are there regular periodic reviews of detention before a court or independent body, which can order release?	<p>Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>Equal Rights Trust (ERT) (2012) : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.</p>	<p>By law, the Director of the Migration Directorate shall carry out official inspections every month to check whether the grounds for detention still exist. If it is established that there is no longer any reasonable prospect for removal, the person shall be released immediately. However, the practice differs from the law. For example, in <i>Auad v Bulgaria</i>, the applicant was a stateless person who spent 18 months in detention. The Court concluded that the Bulgarian authorities could “hardly be regarded as having taken active and diligent steps” in relation to the deportation of the detainee. In its 2016 study FAR found that: “In the majority of cases the burden of proof has been shifted to the detainee to prove that there is no reasonable prospect of removal”. The Bulgarian Lawyers for Human Rights Foundation has analysed Bulgarian case law on immigration detention between January 2013 to September 2015. Their conclusion is that “in most of the reviewed judicial acts, the court was satisfied that it formally found a theoretical, abstract possibility of removal by noting that no evidence has been provided that there is no reasonable prospect of removal for legal and other considerations, instead of requiring the</p>	<p>Law on Foreign Nationals in the Republic of Bulgaria, Article 44(8), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p><i>Auad v Bulgaria</i> (2011) Application no 46390/10 (ECtHR)</p> <p>Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.21 & 23, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>

						authorities to specifically indicate data, from which it is clear that removal is realistic and will happen in the foreseeable future, as soon as possible”. The maximum period for initial detention for removal is up to 6 months. This period may be extended for 12 additional months when the foreign national refuses to assist the competent authorities or there is a delay in obtaining the necessary documents for return.	
DET	3	e		What remedies are available to challenge detention? Please any obstacles to accessing effective remedies in practice.	<p>ICCPR Article 9(4) ECHR: Article 5(4) Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. Alimuradov v. Russia ECtHR (2019): The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.</p>	<p>The detainee is entitled to submit an appeal against the detention order within 14 days from the date of detention. A significant hurdle to accessing judicial review is that the period for exercising the right to appeal starts from the moment the person is detained, not from the moment they are notified about the order. The next obstacle is that the detention order is in Bulgarian and people often sign the orders without knowing the remedies against detention. Another obstacle is that detainees have to find and engage a lawyer by themselves. Although in 2013 the law was amended to introduce a right to legal aid for immigration detainees, access has remained difficult and the new provisions have not been applied in practice. Even if an appeal against a detention order reaches the court, the law provides that participation of the detainee in the case “is not obligatory”.</p>	<p>Law on Foreign Nationals in the Republic of Bulgaria, Article 46a, https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.21, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>

DET	3	f		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/or ascertaining entitlement to nationality.</p>	In the national legislation there is no such guidance. Miscellaneous rules that might be relevant to the issue could be found in readmission agreements. FAR asked the question in a freedom of information request addressed to the Ministry of the Interior. The Migration Directorate replied that these rules are “those established in the law” without further explanation.	Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria
DET	3	g		Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	<p>UNHCR (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p>EU Returns Directive: Article 13(3)</p>	The law provides for a right to state-funded legal aid to challenge immigration detention. In practice, access to the possibilities under the law is still hampered by bureaucratic obstacles such as cumbersome procedures for granting legal aid, language barriers, low awareness of the rights of stateless persons, lack of expertise, etc. These obstacles could be overcome by raising awareness among immigration detainees, the authorities and the lawyers at the National Legal Aid Bureau on the available rights and obligations of immigration detainees.	<p>Law on Legal Aid, Article 22(1)(9), https://www.lex.bg/laws/ldoc/2135511185</p> <p>Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.21, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>
DET	4	a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 27</p> <p>UNHCR (2014) : Being undocumented cannot be used as a general justification for detention.</p> <p>ENS (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p>	No, detainees are released without identity documents, which increases the risk of re-detention. In a 2016 study by FAR: “For example, during the interview at the National Commission on Combatting Trafficking in Human Beings (NCTHB) the expert recalled the case of a stateless lady who was repeatedly detained in the Bousmantsi detention centre. She was a victim of trafficking and had suffered	Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 27, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf

				protected from re-detention?	Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	physical abuse. As a result, she suffered from dissociative psychosis. In September 2013 she was transferred from the Bousmantsi detention centre to a shelter of the NCTHB. In the meantime, the Migration Directorate continued to investigate her nationality. She was not provided with identity documents. In 2014 the shelters of the NCTHB were temporarily closed and the stateless woman was again detained in the Bousmantsi detention centre.”	
DET	4	b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	Saïd Shamilovich Kadzoev v Direktsia Migratsia’ pri Ministerstvo na vatreshnite raboti ECJ (2009) : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	No legal status is provided to former detainees. The Bulgarian law provides for no regularisation mechanism in such cases. The person continues with the status of an undocumented migrant without access to social security, accommodation, education and healthcare. Only in cases of expulsion orders issued on national security or public orders grounds, the LFRB states that the person shall be provided with access to the labour market if the expulsion was not implemented within one year.	Law on Foreign Nationals in the Republic of Bulgaria (LFRB), Article 44a(4), https://www.lex.bg/laws/ldoc/2134455296 (B) Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.26 & 27, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf
DET	4	c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	Equal Rights Trust (2012) : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	Yes, the courts count the cumulative time spent in detention towards the time limit of 18 months.	Law on Foreign Nationals in the Republic of Bulgaria, Article 44(8), https://lex.bg/bg/laws/ldoc/2134455296 (B)
DET	5	a	Return and readmission agreements	Is statelessness considered a juridically relevant	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place	There are provisions on readmission of stateless persons in the bilateral readmission agreements with Bosnia and	Article 4(3) of the bilateral readmission agreement with Bosnia and Herzegovina; Article 4(3) of the

				fact in any bilateral readmission and/or return agreements?	subsequent to a determination of statelessness.	Herzegovina, Albania, Macedonia, Armenia, Lebanon and Uzbekistan. According to the bilateral readmission agreement with Georgia, the contracting parties are not obliged to readmit stateless persons. In response to a freedom of information request, the General Directorate 'Border Police' pointed out that all 17 EU-level readmission agreements, except those with Macao and Hong Kong, contain clauses allowing the return of stateless persons. The following bilateral readmission agreements with EU Member States also provide for return of stateless persons: Austria, Germany, Ireland, Italy, Latvia, Lebanon, Poland, Slovenia, Croatia and the Czech Republic. The readmission agreement with Switzerland also refers to stateless persons.	<p>bilateral readmission agreement with Albania; Article 4 of the bilateral readmission agreement with Macedonia; Article 3(1) of the bilateral readmission agreement with Armenia; Article 4(3) of the bilateral readmission agreement with Lebanon; Article 4(3) of the bilateral readmission agreement with Uzbekistan; Article 7(2)b of the bilateral readmission agreement with Georgia.</p> <p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		In a freedom of information response, the General Directorate 'Border Police' replied that one stateless person was returned to another EU country based on possession of a residence permit and refugee status in that country.	Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.

Prevention and Reduction

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? [If yes, continue to PRS1b. If no, proceed to PRS1h]	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1</p> <p>European Convention on Nationality, 1997: Article 2</p> <p>Convention on the Rights of the Child 1989: Article 7</p> <p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p>European Parliament (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p>	Yes. According to the law, a Bulgarian national by birth is every person born on the territory of the Republic of Bulgaria who does not acquire another nationality by origin.	Law on Bulgarian Citizenship, Article 10, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	1	b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR (2012): The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p>ENS (2015): The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	The provision is automatic. Children acquire Bulgarian nationality under Article 10 of the Law on Bulgarian Citizenship ex lege. In 2019 FAR identified a protection gap regarding children born to foreign mothers whose country of nationality does not allow women to pass nationality to children, as civil registry officials often register the child as having the mother's nationality without identifying the potential risk of statelessness.	Law on Bulgarian Citizenship, Article 10, https://www.lex.bg/laws/ldoc/2134446592 (B)

PRS	1	c		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p>UNHCR (2012): The test is not an inquiry into whether a child's parents are stateless.</p> <p>ENS (2015): Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.</p>	No. According to the law, a Bulgarian national by birth is every person born on the territory of the Republic of Bulgaria who does not acquire another nationality by origin. This might be the case when the parents are stateless, but also the case when the parents' country of nationality applies only jus soli (that is, if the child is not born in the country of their parents, the child does not receive their nationality).	<p>Law on Bulgarian Citizenship, Article 10, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Judgement No 1424 of 04.08.2017, case No 1102/2017, Plovdiv Administrative Court</p>
PRS	1	d		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<p>UNHCR (2012): A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.</p>	Yes. Children are required to prove that they do not acquire another nationality by origin. However, the standard and the burden of proof is not established in the law. The Plovdiv Administrative Court ruled that the submission of notarised statements by the parents that the child did not acquire any other nationality was not sufficient proof. The Court accepted that the notarised statements did not show that in the countries of the child's parents the legislation did not provide for the acquisition of nationality when the child was born abroad.	<p>Law on Bulgarian Citizenship, Article 10 & Article 11, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Judgement No 1424 of 04.08.2017, case No 1102/2017, Plovdiv Administrative Court, http://www.admspv.bg/spravki/dela/SD/0161d817/10262017.htm (B)</p>
PRS	1	e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all.</p>	The Plovdiv Administrative Court ruled that the Law on Bulgarian Citizenship is in compliance with the European Convention on Nationality (to which Bulgaria is state party). So, if the child was born on the territory of Bulgaria and they didn't acquire any other nationality by origin, the child should be considered as a Bulgarian national ex lege. In that case the	<p>Law on Bulgarian Citizenship, Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Judgement No 1424 of 04.08.2017, case No 1102 / 2017, Plovdiv Administrative Court, http://www.admspv.bg/spravki/dela/SD/0161d817/10262017.htm (B)</p>

					<p>Convention on the Rights of the Child, 1989: Articles 3 & 7</p> <p>Committee on the Rights of the Child (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions.</p> <p>European Convention on Nationality, 1997: Article 6(2)(b)</p>	<p>child is not required to fulfil a period of residence to be granted nationality.</p>	
PRS	1	f		<p>Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.</p>	<p>Committee on the Rights of the Child (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State.</p> <p>ENS (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	<p>In the case of stateless children who acquire Bulgarian nationality by birth on Bulgarian territory, the parents are not required to fulfil a period of residence. Otherwise, in cases of children who are not born stateless in Bulgaria, the general rule is that children acquire Bulgarian nationality if their parents have acquired Bulgarian nationality. If one of their parents is deceased, only the living parent must acquire Bulgarian nationality.</p>	<p>Law on Bulgarian Citizenship, Article 17, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>
PRS	1	g		<p>What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?</p>	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21.</p> <p>ENS (2015): Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.</p>	<p>There are no age or time limits to acquire Bulgarian nationality by place of birth according to Article 10 of the Law on Bulgarian Citizenship.</p>	<p>Law on Bulgarian Citizenship, Articles 10 & 11, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>

PRS	1	h		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No.	Law on Bulgarian Citizenship, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	2	a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	UN Convention on the Reduction of Statelessness, 1961 : Article 2 European Convention on Nationality, 1997 : Article 6(1)(b)	Yes. A child found on the territory of Bulgaria, whose parents are unknown, is assumed to have been born on the territory of the Republic of Bulgaria. Thus, foundlings are granted Bulgarian nationality by law.	Law on Bulgarian Citizenship, Article 11, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	2	b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	No, there are no such age or time limits provided in the law. The child would qualify when they are found on the territory of the Republic of Bulgaria and it is established that their parents are unknown.	Law on Bulgarian Citizenship, Article 11, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	2	c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No. Bulgarian nationality can be withdrawn only in cases of naturalisation. Foundlings are considered to be Bulgarian nationals by birth.	Law on Bulgarian Citizenship, Article 22 https://www.lex.bg/laws/ldoc/2134446592 (B)

PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961 : Article 5 ENS (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	No. The general rule is that the adoption does not change the nationality of the adopted person.	Law on Bulgarian Citizenship, Article 6, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	European Convention on Nationality, 1997 : Article 6(4)(d) Committee on the Rights of the Child (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	The general rule is that adoption does not change the nationality of the adopted person. A foreign child adopted by national parents can submit an application for Bulgarian nationality in case of full adoption. The child is exempted from the general requirements for naturalisation. Children under 14 can become Bulgarian nationals upon the written consent of the adoptive parents (or of the surviving adoptive parent). Consent by a parent who has lost their parental rights shall not be required. Under the same conditions, children from 14 to 18 years of age can acquire Bulgarian nationality, if they apply for it.	Law on Bulgarian Citizenship, Article 6 & Article 18(2), https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	4	a	<i>Ius sanguinis</i>	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	UN Convention on the Reduction of Statelessness, 1961 : Article 4 UNHCR (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes. A child is a Bulgarian national by origin, if at least one of their parents is a Bulgarian national. The Constitution states that: "A Bulgarian national shall be anyone born of at least one parent holding a Bulgarian nationality". The only condition is to have at least one parent who is Bulgarian national.	Law on Bulgarian Citizenship, Article 8, https://www.lex.bg/laws/ldoc/2134446592 (B) Constitution of the Republic of Bulgaria, Article 25(1), http://www.parliament.bg/en/const

PRS	4	b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<p>Genovese v. Malta ECtHR (2011): The state must ensure that the right to nationality is secured without discrimination.</p> <p>CEDAW Gen. rec. No. 32, 2014: Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed.</p> <p>UNHCR (2014): Action 4</p>	No. The only condition is to have at least one parent who is a Bulgarian national.	<p>Law on Bulgarian Citizenship, Article 8, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Constitution of the Republic of Bulgaria, Article 25(1), http://www.parliament.bg/en/const</p>
PRS	5	a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<p>Convention on the Rights of the Child, 1989: Article 7</p> <p>International Covenant on Civil and Political Rights, 1966: Article 24(2)</p> <p>Council of Europe (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.</p> <p>UNHCR (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p>	Yes. By law a birth certificate shall be issued within 7 days of the birth, on the basis of a written notification by the competent medical entity. By law, the following data about the parents is recorded in the birth certificate: names, date of birth, personal identification number and nationality. In practice, if the parents are undocumented, they do not have a personal identification number but only the date of birth is recorded.	<p>Law on Civil Registration, Article 42(1) & Article 45(1)(9), https://www.lex.bg/laws/ldoc/2134673409 (B)</p>

PRS	5	b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>UN Human Rights Council, Resolution A/HRC/RES/20/4: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	Yes. For example, in the case of a child born in Bulgaria to a stateless father and mother national of Belarus, the Sofia Regional Court ordered the competent authorities to carry out late birth registration and to issue a birth certificate to the child. The court ruled that in the birth certificate it shall be written that the child has Belorussian nationality since the child acquires this nationality by origin in accordance with Article 10 of the Law on Bulgarian Citizenship.	<p>Law on Civil Registration, Article 36, https://www.lex.bg/laws/ldoc/2134673409</p> <p>Judgement of the Sofia Regional Court of 07.03.2012, case No. 14912/2011</p>
PRS	5	c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<p>Convention on the Rights of the Child, 1989: Articles 3 & 7</p>	The child's nationality is recorded on the birth certificate. The acting legal order for birth registration in Bulgaria does not envisage an obligation for authorities to examine whether the child can acquire the nationality of the country that is recorded in the birth certificate. In most cases, the authorities automatically register the child with the same nationality as the mother. Thus, instead of registering the child as a Bulgarian national based on birth on Bulgarian territory and otherwise remaining stateless (the <i>ius soli</i> principle), in practice, the Bulgarian authorities assign the child with a fictitious foreign nationality. Some municipal authorities adopted a practice to require a notarised declaration signed by both parents in which they decide with which nationality	<p>Sources: Ordinance on the functioning of the unified system of civil registration. In Bulgarian: Наредба № РД-02-20-9 от 21 май 2012г. за функциониране на единната система за гражданска регистрация;</p> <p>Law on Civil Registration. In Bulgarian: Закон за гражданската регистрация; Information acquired from a chief expert in the General Directorate "Civil Registration and Administrative Services", Ministry of Regional Development and Public Works</p>

						the child would be registered. However, there is no legislative ground upon which parents can choose the nationality of their child, thus this practice is inconsistent. Other authorities do not require such declaration and again automatically assign the nationality of the mother to the child.	
PRS	5	d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	Convention on the Rights of the Child, 1989: Articles 3 & 7	Yes, there is a legal framework, although practice so far is limited. The parent or the guardian of the child may submit an application before the district court on the ground of Article 547 of the Code on Civil Procedure. It is a procedure aiming to correct 'errors' in the birth certificate. In this case, the procedure would aim to correctly determine the nationality of the child. If the application under Art. 547 is allowed, the competent administrative body makes the corresponding change in the population register, in the electronic personal registration card, as well as a change in the birth certificate. According to Art. 81a of the Law on Civil Registration, in case of a court decision to issue a new birth certificate for a person for whom a birth certificate exists, the first certificate shall be annulled. The "Notes" column records that a new birth certificate has been issued, the number of the court case on which the decision was made, the date on which it takes effect, and the name of the court which delivered it.	Ruling No. 424 of June 17, 2015 of the Supreme Court of Cassation, Fourth Civil Division, Private Civil Case No. 2482/2015 Article 547 of the Code on Civil Procedure: https://www.lex.bg/laws/ldoc/2135558368 Art. 81a of the Law on Civil Registration: https://www.lex.bg/laws/ldoc/2134673409

PRS	5	e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.	No, there are no such reports.	
PRS	5	f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status.	No. There are no such mandatory reporting requirements in law. However, the health authorities may decide to report to the authorities that the parents are undocumented migrants.	Law on Civil Registration, https://www.lex.bg/laws/ldoc/2134673409 (B)
PRS	5	g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.	The law provides for a 7-day time limit from the date of the birth, but it rather concerns the obligation of the respective municipality to speedily issue a birth certificate upon the medical notification. Late birth registration is explicitly envisaged in the law (Article 44). If the birth becomes known to the municipality official within the same calendar year, the	Law on Civil Registration, Article 42(1) & Article 44, https://www.lex.bg/laws/ldoc/2134673409 (B) Law on Civil Registration, Article 42(1) & Article 44,

					UN Human Rights Council, Resolution A/HRC/RES/20/4 : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	official shall issue a birth certificate without a need for a court judgement. If both the calendar year and 7 days following the date of the birth have elapsed, a birth certificate is issued only on the basis of a court judgment. The latter is stipulated upon the request of the parents, the person in question or the prosecutor.	https://www.lex.bg/laws/ldoc/2134673409 (B)
PRS	5	h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	The only additional requirement might be the court case, which should be initiated either by the parents, the person in question or the prosecutor.	
PRS	6	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR (2014) : Action 7	No.	
PRS	6	b		Are there particular sections of the population - such as minority groups - believed to be stateless/at risk of	UN Convention on the Reduction of Statelessness, 1961 : Article 9 UNHCR (2014) : Action 4 UN Human Rights Council (2019) : States should take legislative, administrative and policy measures	In some cases, unreturnable undocumented migrants in Bulgaria for whom there is no regularisation mechanism are stateless or at risk of statelessness.	Foundation for Access to Rights - FAR and ENS, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p. 13, http://www.farbg.eu/wp-

				statelessness? Please provide details and source of information.	aimed at eliminating statelessness affecting minorities.		content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf
PRS	6	c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR (2014) : Actions 1 & 8 UNHCR (2015) : States parties to the 1954 Convention are required to help stateless persons become naturalised nationals.	No.	
PRS	7	a	Withdrawal of nationality	Are there provisions on loss and/or deprivation of nationality established in law? Please describe and state whether there is a safeguard against statelessness in law and practice.	UN Convention on the Reduction of Statelessness, 1961 : Article 8 European Convention on Nationality, 1997 : Article 7(3) Universal Declaration of Human Rights : Article 15(2)	Yes, in the Law on Bulgarian Citizenship there are provisions on release of Bulgarian nationality (Articles 20 and 21), revocation of naturalisation (Articles 22 and 23) and deprivation of Bulgarian nationality (Articles 24 and 25). According to the explicit wording in the law, revocation of naturalisation and deprivation of nationality is admissible, only provided that the person does not remain stateless. There are no loss/deprivation provisions that allow for statelessness. In Bulgarian law there are no remedies against refusal, withdrawal or deprivation of Bulgarian nationality. Although the Law on Bulgarian Citizenship	Law on Bulgarian Citizenship, Articles 20–25, https://www.lex.bg/laws/ldoc/2134446592 (B)

						provides that one shall not be deprived of Bulgarian nationality if the person would remain stateless, there are no remedies if the provision is not observed, such as, for example, if statelessness is not identified.	
PRS	7	b		Who is the competent authority for withdrawal of nationality and what procedural safeguards are in place (legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	UN Convention on the Reduction of Statelessness, 1961 : Article 8(4) European Convention on Nationality, 1997 : Article 11	The Bulgarian Constitution provides that the granting and withdrawal of Bulgarian nationality is a sovereign power of the President of the Republic. The acts of the President of the Republic are not subject to appeal. Bulgaria has made reservations to Articles 11 and 12 of the European Convention on Nationality in this regard. There are no remedies against refusal, withdrawal or deprivation of Bulgarian nationality.	Law on Bulgarian Citizenship, Article 36, https://www.lex.bg/laws/ldoc/2134446592 (B) Administration of the President of the Republic of Bulgaria, Report on the Activity of the Commission for Bulgarian Citizenship and Bulgarians Abroad for the Period January 22, 2012 - January 18, 2017, p. 1, https://www.president.bg/docs/1484820446.pdf (B)
PRS	7	c		Are withdrawal provisions applied in practice?		Yes. In the period from 22 January 2012 to 18 January 2017, the Vice President of the Republic of Bulgaria issued decrees for release from Bulgarian nationality of 1062 persons and for revocation of naturalisation for 103 persons.	Administration of the President of the Republic of Bulgaria, Report on the Activity of the Commission for Bulgarian Citizenship and Bulgarians Abroad for the Period January 22, 2012 - January 18, 2017, p. 5, https://www.president.bg/docs/1484820446.pdf (B)

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		There are no statistics available. The courts in Bulgaria do not provide such data upon freedom of information requests. The courts in Bulgaria do not declare statelessness but have powers to review the lawfulness of the decisions of the Migration Directorate. The court has adjudicated on the competent authority to examine applications by stateless persons in the period when Bulgaria had acceded to the 1954 Convention but had not yet introduced a statelessness determination procedure in the national law.	<p>Ruling No 843 of 22.01.2018, case No. 11998/2017, Supreme Administrative Court;</p> <p>Judgment No 668 of 6 February 2018, case No 8798/2016, Sofia City Administrative Court</p> <p>Foundation for Access to Rights – FAR and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 15, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_ia_5.pdf</p>
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.		It is not possible to provide the exact number of published judgements mentioning statelessness. All judgements mentioning statelessness are not published in the professional paid legal information systems. They are published on the websites of the respective administrative courts, where in most cases one cannot search using key words. A search in the Judgements Portal delivers a technical error message.	<p>Judgements Portal https://legalacts.justice.bg/ (B)</p>

LIT	2	a	Legal training	Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR (2016): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels.</p> <p>UNHCR (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p>	<p>According to Art. 249(1)(2) of the Law on the Judicial System, the National Institute of Justice carries out maintenance and improvement of the qualification of judges. In reply to an inquiry made by FAR, the official response of the National Institute of Justice is that (translation from Bulgarian): “In connection with your letter of 21 May 2018 regarding gathering of information on conducting trainings for judges on the subjects of stateless persons and the statelessness determination procedure, adopted with the amendments of the Law on Foreign Nationals in the Republic of Bulgaria, SG. 97 of 2016, we inform you the following: The above-mentioned topics are included in the trainings of the National Institute of Justice on refugee law and the implementation of the Law on Foreigners in the Republic of Bulgaria. Since 2014 the National Institute of Justice conducts trainings jointly with the European Asylum Support Office in pursuance of the EASO Special Support Program signed between the Ministry of the Interior of the Republic of Bulgaria and EASO. The National Institute of Justice is a beneficiary of this plan as an institution training Bulgarian magistrates. The trainings conducted have been attended by 100 magistrates, court clerks and experts, including 77 judges. The teaching teams are composed of international experts from the</p>	<p>Law on the Judicial System, Article 246(1)(2), https://www.lex.bg/laws/ldoc/2135560660 (B)</p> <p>Response of the National Institute of Justice No. 32 – 00 – 261/1 of 23 May 2018</p> <p>Law on the Bar, Article 28(1) https://www.lex.bg/index.php/laws/doc/2135486731 (B)</p> <p>Response from the Training Center “Krstiu Tsonchev” to Request No C - 345 (In Bulgarian: Ц - 345), received by e-mail on 25.05.2018.</p> <p>FAR, Resources: Stateless Persons, http://www.farbg.eu/en/resources/topics/stateless-persons/</p>
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LIT	3	a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at	UNHCR (2014) : Applicants must have access to legal counsel.	FAR, under a partnership agreement with ENS, provides legal aid to stateless persons in the SDP and in judicial review of decisions in the SDP. The partnership agreement concerns cases of strategic importance for social justice. The	

				<p>risk of statelessness? If yes, please describe.</p>		<p>Bulgarian Helsinki Committee, through funding from UNHCR, also provides legal assistance and counselling, including to stateless persons and those at risk of statelessness. In 2019, UNHCR Bulgaria concluded a partnership agreement with the Foundation for Access to Rights (FAR) to provide free legal aid to stateless persons in Bulgaria. The partnership continues in 2020.</p>	
LIT	4	a	Literature	<p>Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).</p>		<p>A summary of the study conducted by FAR within the ENS project on protecting stateless persons from arbitrary detention was translated into Bulgarian language. Dr. Valeria Ilareva from FAR has published articles on the ENS blog. There are also several articles by Prof. Veselin Tsankov published in Bulgarian language.</p>	<p>Foundation for Access to Rights – FAR and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p> <p>Summary in Bulgarian: http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_BULGARIAN_summary_2-1.pdf (B)</p> <p>Article by Dr.Valeria Ilareva, ENS blog: “Bulgaria is introducing a statelessness determination procedure. Or is it?”, September 2016</p> <p>Article by Dr.Valeria Ilareva, ENS blog: “Counting down the days in detention: the situation of stateless persons in Bulgaria”, 18 November 2016</p>

						<p>Tsankov, Veselin Hristov, Stateless Persons in the Republic of Bulgaria, Legal Aspects of the Problem, 2006 - article published in the magazine European Integration and Law (In Bulgarian: Цанков, Веселин Христов, - Лицата без гражданство в Република България - правни аспекти на проблема , 2006г. – статия в списание Европейска интеграция и право)</p> <p>Prof. Dr Veselin Hristov Tsankov, Comparative Analysis of the Possibilities of Accession to the 1954 Convention of the Statute of Statelessness and to the 1961 Convention on the Reduction of Statelessness, 2011 – published in Legal Collection (In Bulgarian: проф. д-р Веселин Христов Цанков, Сравнителен анализ на възможностите за присъединяване на Република България към Конвенцията на ООН за статута на лицата без гражданство от 1954г. и към Конвенцията на ООН за намаляване на случаите на лица без гражданство от 1961г., 2011, Юридически сборник, http://research.bfu.bg:8080/jspui/bitstream/123456789/406/1/BFU_J_T_XVIII_2011_Tsankov.pdf (B))</p>
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