

Contents

Contents	1
Country context (optional)	2
International and Regional Instruments	3
1954 Convention	3
1961 Convention	3
Other conventions	3
Stateless Population Data	5
Availability and sources	5
Stateless in detention data	7
Statelessness Determination and Status	8
Definition of a stateless person	8
Training	8
Existence of a dedicated SDP	9
Temporary protection for people fleeing war	10
Access to the procedure (Group 1)	10
Assessment (Group 1)	12
Procedural safeguards (Group 1)	14
Protection during SDP (Group 1)	16
Appeals (Group 1)	16
Statelessness status (Group 1)	17
Detention	20
Immigration detention	20
Identification of statelessness	21
Procedural safeguards	23
Protections on release	24
Return and readmission agreements	25
Prevention and Reduction	26
Naturalisation	26
Stateless born on territory	26
Foundlings	28
Adoption	29
Ius sanguinis	29
Birth registration	29
Reducing <i>in situ</i> statelessness	32
Deprivation of nationality	33
Resources	36
Published judgments	36
Free legal assistance	37
Literature	37

Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

The legal and policy framework in Bulgaria has some positive aspects and some significant gaps. Bulgaria is State Party to most relevant international and regional instruments, including three of the core statelessness conventions. However, its definition of a stateless person is narrower than the definition in the 1954 Convention. There is limited data on the stateless population in the country, but measures have been introduced to include stateless people in the 2021 census. According to the 2021 census, there are 539 persons registered as stateless, while for 764 persons citizenship is reflected as "not shown".

Bulgaria introduced a statelessness determination procedure (SDP) in 2017 with some positive elements, including appeal rights and some limited procedural rights. But there is a high standard of proof in statelessness cases and the burden of proof lies with the applicant. Access to free legal aid and the right to an interview are limited in practice due to language and other barriers. There is no lawful stay requirement to access the procedure, but there is no automatic legal admission nor support entitlement for applicants, so there is a risk of detention while their claims are considered. In 2021 additional grounds for refusal of recognition as a stateless person were introduced among which having a removal order for staying irregularly, lack means of subsistence and compulsory insurance during the procedure. These grounds are a major step backwards in the protection of stateless people in Bulgaria. The determination of statelessness does not guarantee protection status, but there is the possibility for a recognised stateless person to acquire a residence permit and some minimal rights.

Stateless people are at risk of arbitrary detention, due to gaps in the legal framework and lack of a referral mechanism from detention to the SDP. Procedural safeguards, including legal aid and remedies as well as provision of information to detainees, are set in law, but rarely implemented in practice. Positively, there are safeguards in Bulgarian nationality law to prevent statelessness, including in the case of children born in Bulgaria who would otherwise be stateless and foundlings. However, there is a potential risk of statelessness during the adoption process for a foreign child adopted by Bulgarian nationals. Risks have also been identified for children born to Bulgarians abroad where births have not been registered or birth certificates are not recognised by the Bulgarian authorities, particularly in the case of Roma and same-sex parents. Deprivation of nationality is clearly prohibited by law where it would result in statelessness, but there are no remedies if the law is applied incorrectly.

International and Regional Instruments

Item	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. In 2020 Bulgaria withdrew the reservation to Article 31 of the 1954 Convention by law promulgated in the State Gazette on 25 September 2020.	UN Treaties Database UNHCR, Results of the High-Level Segment on Statelessness, 2019 State Gazette of the Republic of Bulgaria No 83 of 25 September 2020 (B)
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 and take precedence over contradicting domestic legislation.	Article 5 (4), Constitution of the Republic of Bulgaria
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

IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return 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 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	Yes. No reservations.	UN Treaties Database
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
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes. No reservations.	UN Treaties Database

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State 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>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (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, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>Yes. A specific category 'stateless persons' was introduced in the census in 2021. However, 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 statelessness 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 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 carried out in September-October 2021. According to the 2021 census, there are 539 persons registered as stateless, while for 764 persons citizenship is reflected as "not shown".</p>	<p>National Statistical Institute of Bulgaria, Demographic Characteristics of the Population, https://infostat.nsi.bg/infostat/pages/module.jsf?x_2=342, 7 September 2022</p> <p>National Statistical Institute of Bulgaria, International Migration in 2019 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</p>
POP.1.b		Do public 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. When asked about the number of "persons with unknown nationality" in 2021, the Ministry of Interior did not provide a number and stated only that "their nationality is identified within the administrative procedure for return".</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 categorised either as stateless or as persons from the "Occupied Territory". In 2022, however, all Palestinian asylum seekers were categorised as stateless.</p> <p>In 2021 60 stateless persons and 1 person from the Occupied Palestinian Territory sought asylum in Bulgaria. Refugee status was granted to 4 stateless person and subsidiary protection to 19 stateless persons. 14 stateless persons were refused international protection. In 2022 (until 31 August 2022) 55 stateless persons sought asylum in Bulgaria. Refugee status was granted to 4 stateless persons and subsidiary protection to 27 stateless</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 - 72 of 22 March 2021 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>File "Yearly Applications 2021" published on the website of the State Agency for Refugees at https://www.aref.government.bg/bg/node/238,</p> <p>File "Yearly Decisions 2021" published on the website of the State Agency for Refugees at http://aref.government.bg/bg/node/238,</p> <p>File "Yearly Decisions 2022" published on the website of the State Agency for Refugees at http://aref.government.bg/bg/node/238,</p> <p>File "Yearly Applications 2022" published on the website of the State Agency for Refugees at</p>

				<p>persons. 11 stateless persons were refused international protection.</p> <p>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.</p>	<p>https://www.aref.government.bg/bg/node/238,</p>
POP.1.c		<p>What is UNHCR’s estimate for the stateless/at risk of statelessness population and what is the source for this estimate?</p>	As above	<p>UNHCR’s Global Trends report indicates that by the end of 2021, there were 82 stateless persons in Bulgaria recorded as falling within UNHCR’s statelessness mandate and 1,120 stateless persons in Bulgaria total, including forcibly displaced stateless persons.</p> <p>In a Call for expression of interest about the identification and protection of stateless persons, and reduction of statelessness in Bulgaria from August 2022, UNHCR states that “according to the Ministry of Interior’s data, there are estimated 1,141 stateless people in Bulgaria that are [persons of concern] to UNHCR.”</p> <p>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 2020, FAR provided free legal aid to approximately 48 stateless persons in the country.</p>	<p>UNHCR Global Trends report 2021, Table 5 'Persons under UNHCR's Statelessness Mandate 2021' https://www.unhcr.org/2021-global-trends-annex</p> <p>UNHCR, Appendix B: Call for expression of interest: https://www.unhcr.org/bg/wp-content/uploads/sites/18/2022/08/Call-for-Expression-of-interest-Stateless-Persons.pdf</p> <p>https://www.unhcr.org/refugee-statistics/download?url=dJI5oY (UNHCR's Refugee Data Finder: does not include data relating to stateless people in Bulgaria as of 1/2/2023).</p> <p>Response by UNHCR Representation in Bulgaria.</p> <p>Information from Valeria Ilareva, Chairperson of FAR.</p>
POP.1.d		<p>Have there been any surveys or mapping studies to estimate the stateless population in the country?</p>	As above	No.	
POP.1.e		<p>Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.</p>	As above	<p>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. In 2021, FAR submitted another freedom of information request and gathered data on the number of stateless persons from the Ministry of the Interior. According to the response, until 22 March 2021 statelessness status was granted to 5 people; in 2018 - 45 people; in 2019 - 26 people; in 2020 - 14 people.</p>	<p>Foundation for Access to Rights and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, pp. 15-17, http://www.farbg.eu/publications/detention-reports-bulgaria</p> <p>Decision No.812104- 72 of 22 March 2021 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>
POP.1.f		<p>Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.</p>	As above	<p>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.</p>	<p>Foundation for Access to Rights and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.15 http://www.farbg.eu/publications/detention-reports-bulgaria</p> <p>Foundation for Access to Rights, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.15, http://www.farbg.eu/publications/detention-reports-bulgaria</p>
POP.1.g		<p>Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).</p>	<p>As above. EASO/EUAA, Practical guide on registration (2021): States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.</p>	<p>According to the statistics of the State Agency for Refugees (SAR), In 2021 60 stateless persons and 1 person from the Occupied Palestinian Territory sought asylum in Bulgaria. Refugee status was granted to 4 stateless persons and subsidiary protection to 19 stateless persons. 14 stateless persons were refused international protection. In 2022 (until 31 August 2022) 55 stateless persons sought asylum in Bulgaria. Refugee status was granted to 4 stateless persons and subsidiary protection to 27 stateless</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>File "Yearly Applications 2021" published on the website of the State Agency for Refugees at https://www.aref.government.bg/bg/node/238,</p>

				persons. 11 stateless persons were refused international protection.	File "Yearly Decisions 2021" published on the website of the State Agency for Refugees at http://aref.government.bg/bg/node/238 , File "Yearly Decisions 2022" published on the website of the State Agency for Refugees at http://aref.government.bg/bg/node/238 , File "Yearly Applications 2022" published on the website of the State Agency for Refugees at https://www.aref.government.bg/bg/node/238
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	<p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>CEDAW, Gen. Rec. 32 (2014): State parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>Equal Rights Trust, Guidelines (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.</p> <p>Council of the European Union, Conclusions on Statelessness (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>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; 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>When asked about the number of stateless persons and persons with unknown nationality in detention centres, the Ministry of the Interior replied that 4 people in 2019, 2 people in 2020, and 1 person until 22 March 2021 with "unknown nationality" were detained. It is unclear whether to the Migration authorities the terms "stateless person" and "person with unknown nationality" overlap.</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. 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.812104- 72 of 22 March 2021 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	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.	Decision No. 212164 -54 of 21 June 2016 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.

Statelessness Determination and Status

Item	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.	1954 Convention : 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. On 26 February 2021, further amendments to the Law on Foreign Nationals were adopted, which introduce additional grounds for refusal in the SDP. The new law, in force as of 15 March 2021, provides that statelessness status will be refused to people who have held an identity document that has not been renewed or who have been issued a removal order for staying irregularly. Refusal grounds also include lack of means of subsistence and compulsory insurance during the procedure, or having been convicted of a crime punishable by at least one year. These amendments constitute a major step backwards in the protection of stateless people in Bulgaria.	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. Law amending and supplementing the Law on Foreigners in the Republic of Bulgaria, adopted 26 February 2021: https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=156354&fbclid=IwAR0fNwPNA6FlmfDAhss7NRyUSNazU9En8MFvu6QaWEQLHtK-L3MwisWJGnA
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (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.	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”. 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).”	Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria. Response by UNHCR Representation in Bulgaria.
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR, Good Practices Papers – Action 6 (2020) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. UNHCR, Geneva Conclusions (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.	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-	Law on the Judicial System, Article 246(1)(2), https://www.lex.bg/laws/ldoc/2135560660 (B) Response of the National Institute of Justice No. 32 – 00 – 261/1 of 23 May 2018 Law on the Bar, Article 28(1) https://www.lex.bg/index.php/laws/ldoc/2135486731 (B)

				<p>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 European Asylum Support Office (now European Union Asylum Agency) and judges from the Supreme Administrative Court and the Sofia City Administrative Court. The subject of stateless persons is presented as a separate module in the curriculum: Application of Article 15 of the Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (Qualification Directive).”</p> <p>According to the Law on the Bar, the Supreme Bar Council sets up a Training Centre for Lawyers to maintain and raise the qualifications of attorneys. In reply to an inquiry made by FAR, the Training Centre for Lawyers stated that no trainings on statelessness have been organised so far. In November 2016 and November 2019, FAR carried out trainings on statelessness and prevention of arbitrary detention of stateless persons under partnership agreements with ENS. FAR also includes the topic of statelessness in its ongoing migration and refugee law informal training programmes. On 13 September 2022 FAR conducted an online training for lawyers and SDP and asylum officials on Article 1D of the 1951 Convention and stateless Palestinian refugees.</p>	<p>Response from the Training Center “Krastiu Tsonchev” to Request No C -345 (In Bulgarian: Ц - 345), received by e-mail on 25.05.2018.</p> <p>FAR, Trainings and Seminars - https://farbg.eu/trainings-and-seminars</p> <p>FAR, Webinar: "Palestinian refugees seeking protection in Bulgaria. Practical problems and current case law", 13.09.2022, https://farbg.eu/en/latest/webinar-palestinian-refugees-seeking-protection-bulgaria-practical-problems-and-current-case</p>
<p>SDS.3.a</p>	<p>Existence of a dedicated SDP</p>	<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, leading to a dedicated statelessness status (answer Question SDS.3.b. and proceed to Question 4a).</p> <p>2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access</p>	<p>UNHCR, Handbook on Protection (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, Good Practices Papers – Action 6 (2020): 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. However, after being recognised as stateless, an individual does not have automatic access to a residence permit and other rights, and there are further conditions that must be met.</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>

		<p>their rights (answer Question SDS.3.b. and proceed to Question 10a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (answer Question SDS.3.b. and proceed to Question 15a).</p>			
SDS.3.b	Temporary protection for people fleeing war	<p>Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine? Please describe any barriers for stateless people or people at risk of statelessness in accessing the territory or receiving protection (e.g. for people who cannot fulfil eligibility requirements in line with the EU Temporary Protection Directive, if applicable).</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>By a decision of the Bulgarian government, all fugitives from the hostilities in Ukraine, including stateless people, who entered the territory of Bulgaria on/after 24 February 2022, shall receive temporary protection. Initially this decision stated, however, that stateless people need to express their will to be granted temporary protection no later than 31 March 2022.</p> <p>On 30 March 2022 this decision was amended with Decision 180 in the part concerning stateless people and stated that people with foreign nationality and stateless people who left Ukraine because of the war, who entered and stayed in Bulgaria, can receive temporary protection even without their explicit will and registration for temporary protection, by 15 April 2022. This amendment was found unlawful by the Supreme Administrative Court of the Republic of Bulgaria. The Supreme Court held that the stipulated time limit constituted a restrictive condition contrary to EU law.</p> <p>On 1 February 2023, the Bulgarian government extended the term of temporary protection until 4 March 2024. The government's decision states that "persons with foreign nationality or without a nationality, who resided lawfully and have left Ukraine as a result of the military acts, who entered and remained on the territory of the Republic of Bulgaria, may be granted temporary protection without their express will and registration for temporary protection". It is currently unclear how this wording should be interpreted and whether protection will be granted without the express will and registration of the person concerned.</p> <p>There is a risk of immediate detention for stateless and other undocumented persons who cannot provide any proof that they in fact resided in Ukraine. See also section relating to detention, below.</p>	<p>Decision 144/10.03.2022 of the Council of Ministers, https://ukraine.gov.bg/wp-content/uploads/2022/03/%D1%80%D0%BC%D1%81144.pdf (B)</p> <p>Decision 180/30.03.2022 of the Council of Ministers, https://www.tourism.government.bg/sites/tourism.government.bg/files/documents/2022-03/rms180.pdf (B)</p> <p>Decision No. 6819/07.07.2022 in administrative case No. 3789 / 2022. Supreme Administrative Court of the Republic of Bulgaria, https://info-adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=1962950&code=vas (B)</p> <p>European Network on Statelessness, Country Briefing, Bulgaria: Information for stateless people and those at risk of statelessness fleeing Ukraine, June 2022: https://www.statelessness.eu/statelessness-ukraine-crisis</p>
SDS.4.a	Access to the procedure (Group 1)	<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, Handbook on Protection (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, Good Practices Papers – Action 6 (2020): 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/213445296 (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>

SDS.4.b	Are there clear, accessible instructions on how to make a claim of statelessness?	UNHCR, Handbook on Protection (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	No. There are no instructions in the application form on how to fill it in.	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.4.c	Can submissions be made orally and/or in writing in any language?	ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	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: 63z) 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.	Administrative Procedure Code, Article 14(3), https://www.lex.bg/laws/ldoc/2135521015 (B) Decision No. 812104-135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria. 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.4.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.4.e	Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . UNHCR, Handbook on Protection (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.4.f	Are there obligations in law on authorities to consider the application?	UNHCR, Good Practices Papers – Action 6 (2020) : 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.4.g	Is there an application fee?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed.	An application fee is not explicitly envisaged in law. In 2019-2022 FAR has not recorded a case in which a fee was collected. All applications for a statelessness 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 https://www.lex.bg/laws/ldoc/-13092863 (B) FAR casework practice.
SDS.4.h	Is there a lawful stay requirement to access the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. ENS (2013) : There is no basis in the 1954 Convention for requiring lawful stay.	There is no requirement for lawful stay to access the SDP. In July 2021, amendments to the Implementing Rules to the LFRB were adopted, according to which, if the applicant cannot provide a birth certificate or proof of legal residence in Bulgaria, they can indicate the reasons for this to the Migration Directorate. 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(4) LFRB (In Bulgarian: член 21 д, т. 4) https://lex.bg/bg/laws/ldoc/2134455296 (B) Resolution № 215 OF 5 July 2021 to amend and supplement the Implementing Rules of the Law on Foreigners in the Republic of Bulgaria, adopted 9 July 2021, https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=159965 https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=156354

SDS.4.i		Is there a time limit on access to the SDP?	<p>UNHCR, Good Practices Papers – Action 6 (2020): 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 statelessness 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.4.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<p>UNHCR, Good Practices Papers – Action 6 (2020): 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. Furthermore, in practice, immigration authorities in detention centres (the Migration Directorate) predominantly refuse to take and register applications to the SDP from detained stateless persons and refuse to forward these applications to the competent authorities (who are part of the same Migration Directorate, only in a different division). This hampers access to the SDP since applications can only be made in person. At the beginning of 2022 FAR, upon an agreement with UNHCR, printed information leaflets that the Migration Directorate would hand over to the stateless applicants and would inform them about their rights and the possibility to receive free legal aid by FAR during the SDP. The Migration Directorate has not yet referred any cases to FAR.</p> <p>According to the law, the SDP shall be suspended when it is established that the applicant has also applied for international protection. Following amendments to the law in 2021, this rule is applied automatically, regardless of the possibility 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.</p> <p>The question about cooperation 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 nationality of the person from the Ministry of Justice.</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> <p>Bill amending the Law on Foreigners in Bulgaria, Article 21h (In Bulgarian: чл. 21з) https://parliament.bg/bg/bills (B)</p> <p>FAR, Procedure for granting status to a person without citizenship, https://migrantlife.bg/articles/procedure-granting-status-person-without-citizenship (BG, AR, EN, RU)</p>
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	<p>UNHCR, Handbook on Protection (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, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>UNHCR, Geneva Conclusions (2010): In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are</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:</p> <p>“(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:</p> <ol style="list-style-type: none"> 1. their place of birth; 2. previous residence; 3. nationality of family members and their parents. <p>(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. If the birth certificate or proof of legal residence in Bulgaria cannot be provided, the applicant should indicate the reasons for this.</p>	<p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63d (in Bulgarian: чл. 63г), 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: 21р), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p>

			<p>not a national, on the basis of reasonably available evidence. ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>(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 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.</p>	
SDS.5.b		<p>What is the standard of proof? Is it the same as in refugee status determination procedures?</p>	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination (‘reasonable degree’). UNHCR, Good practices in nationality laws (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. ECtHR, Hoti v. Croatia (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.5.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? In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-friendly procedures, etc.)?</p>	<p>UNHCR, Handbook on Protection (2014): Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of pursuing the best interests of the child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State. CEDAW, Gen. Rec. 32 (2014): Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women. CRC: Articles 2, 3, 7 and 8 CRPD: Article 18 UNHCR, Best Interests Procedure Guidelines (2021) UNHCR, Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement (2021) Global Compact for Safe, Orderly and Regular Migration: Objective 7 UN Women, Gender-responsive implementation of the Global Compact (2021): States should put in place measures to regularise the status of migrants leading to permanent residence, with specific attention to migrant women and girls who are stateless. European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on Commission and Member</p>	<p>There are special rules envisaged for (unaccompanied) minors, but not for other groups. 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 under 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 by putting a signature on the application. In the case of minors who are under 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. No additional safeguards regarding the burden of proof or priority processing are foreseen. It is rather the applicant who has the burden of proof.</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> <p>Law on Child Protection, Article 15, Additional provisions §1 (5) https://www.lex.bg/laws/ldoc/2134925825 (B)</p>

			States to overcome discrimination against rainbow persons and families.		
SDS.5.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.5.e		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). In the cases of stateless Palestinians, the Migration Directorate automatically rejects their applications on the ground that "Since the Republic of Bulgaria has recognised the State of Palestine, it cannot refuse to recognize their nationals". Regarding the lack of legislation regulating Palestinian nationality, the Bulgarian authorities often refer to the Palestinian Election Law from 1996. The Migration Directorate does not examine thoroughly the individual cases and does not make official inquiries to the Palestinian Embassy in Sofia, Bulgaria, to clarify the nationality of the applicants.	FAR casework/practice
SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	UNHCR, Handbook on Protection (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 can access free legal aid free of charge, the same level of access should be provided to stateless people.	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 in Bulgaria. The partnership continues in 2022 and 2023. 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.	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 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.6.b		Is an interview always offered (unless granting without interview)?	UNHCR, Handbook on Protection (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)

SDS.6.c		Is free interpreting offered for statelessness determination interviews?	UNHCR, Handbook on Protection (2014) : The right to assistance with interpretation/translation [is] essential. ENS (2013) : Assistance should be available for translation and interpretation.	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. In practice, the Migration Directorate does not provide free interpreters to applicants under the SDP.	Administrative Procedure Code, Article 14(4), https://www.lex.bg/laws/ldoc/2135521015 (B) Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria. 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) Foundation for Access to Rights (FAR)
SDS.6.d		Are there quality assurance audits of the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Quality assurance audits of SDPs are considered good practice.	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.	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) 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.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	UNHCR, Handbook on Protection (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.6.f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR, Handbook on Protection (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.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR, Handbook on Protection (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. T The procedure can be paused or discontinued many times due to "insufficient evidence", and in practice it is difficult to receive a decision on the substance stating whether the applicant is stateless or not. In the individual cases followed by FAR, the timeframe has not been complied with and FAR has 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 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."	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) Response by the UNHCR Representation in Bulgaria. Foundation for Access to Rights (FAR)

SDS.6.h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	<p>UNHCR, Good Practices Papers – Action 6 (2020): 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>EASO/EUAA, Practical guide on registration (2021): The country or countries of former habitual residence should be recorded in applications for international protection to facilitate follow-up and referral to a dedicated statelessness determination procedure. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</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.7.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for statelessness status is assessed or is there a risk of expulsion?	<p>UNHCR, Handbook on Protection (2014): An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being ‘lawfully in’ the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for statelessness status 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>	<p>No, the applicant does not have automatic legal admission while their claim for statelessness 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.</p> <p>In March 2021, amendments to the Law on Foreign Nationals in the Republic of Bulgaria entered into force, introducing additional grounds for refusal of recognition as a stateless person. This includes lack of means of subsistence, lack of compulsory insurance during the procedure, and lack of financial means to return. The new law also provides that statelessness status will be refused to people who have been issued a removal order for staying irregularly.</p>	<p>Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Law amending and supplementing the Law on Foreign Nationals in the Republic of Bulgaria, published on 12 March 2021 https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=156354&fbclid=IwAR0fNwPNA6FImfDAhss7NRyUSNazU9En8MFvu6QaWEQLHtK-L3MwisWJGnA</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>
SDS.7.b		Do applicants for statelessness status have permission to work and access to assistance to meet their basic needs?	<p>UNHCR, Handbook on Protection (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 those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.</p>	If they have no other permission to stay in the country, applicants for statelessness status who are awaiting a decision do not have a permission to work. If the applicant already has lawful residence, they can 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.	<p>Law on Foreign Nationals in the Republic of Bulgaria (LFRB), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Law on Social Assistance, Article 2(6), https://lex.bg/bg/laws/ldoc/2134405633</p> <p>Law amending and supplementing the Law on Foreign Nationals in the Republic of Bulgaria, published on 12 March 2021 https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=156354&fbclid=IwAR0fNwPNA6FImfDAhss7NRyUSNazU9En8MFvu6QaWEQLHtK-L3MwisWJGnA (B)</p>
SDS.7.c		Do applicants for statelessness status face a risk of detention?	<p>UNHCR, Handbook on Protection (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.</p>	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.	<p>Law on Foreign Nationals in the Republic of Bulgaria, 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>
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	<p>UNHCR, Handbook on Protection (2014): An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	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).	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 21g (In Bulgarian: член 21ж) https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Administrative Procedure Code, Article 149(1), https://www.lex.bg/laws/ldoc/2135521015 (B)</p>

SDS.8.b		Is legal aid available for appeals?	UNHCR, Handbook on Protection (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 UNHCR for provision of free legal assistance in cases of strategic importance for social justice. The Bulgarian Helsinki Committee, through funding from UNHCR, provides legal assistance and counselling to refugees in the country.	Law on Legal Aid, Article 22(1)(10), https://www.lex.bg/laws/ldoc/2135511185 (B) Response by UNHCR Representation in Bulgaria.
SDS.8.c		Is there a fee for the appeal application?	UNHCR, Handbook on Protection (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, Article 227a(1), Article 235a, https://www.lex.bg/laws/ldoc/2135521015 (B)
SDS.9.a	Statelessness status (Group 1)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	UNHCR, Handbook on Protection (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 statelessness 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 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). 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: 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. This is a regularisation mechanism for a narrow category of undocumented stateless persons in Bulgaria that was introduced in 2011.	Law on the Foreign Nationals in the Republic of Bulgaria, Article 21i, available at https://lex.bg/laws/ldoc/2134455296 FAR and ENS "Stateless persons: Right of residence and access to fundamental rights", 2021, http://www.farbg.eu/en/publications/stateless-persons-right-of-residence-fundamental-rights FAR and ENS, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p. 13, http://www.farbg.eu/publications/detention-reports-bulgaria
SDS.9.b		How long is initial status granted for and is it renewable?	UNHCR, Handbook on Protection (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 'statelessness status' itself.	Law on Bulgarian Identity Documents, Article 59(1)(8), https://www.lex.bg/laws/ldoc/2134424576 (B)
SDS.9.c		Is a travel document issued to people recognised as stateless?	1954 Convention : 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.9.d	Do people recognised as stateless have a right to family reunification?	UNHCR, Handbook on Protection (2014) : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised statelessness status in their territory with their spouses and dependents.	In Bulgarian law there are no family reunification provisions that specifically concern individuals recognised as stateless. If the stateless person is granted 'continuous' residence, permanent residence or international protection, the family reunification 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.9.e	On what grounds (if any) may residence status granted to stateless people be revoked?	UNHCR, Handbook on Protection (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 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.	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)
SDS.9.f	Do people granted statelessness status have permission to work?	1954 Convention : Article 17 UNHCR, Handbook on Protection (2014) : The right to work must accompany a residence permit.	No, neither statelessness 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/bg/laws/ldoc/2135453184 (B) FAR and ENS " Stateless persons: Right of residence and access to fundamental rights", 2021, http://www.farbg.eu/en/publications/stateless-persons-right-of-residence-fundamental-rights
SDS.9.g	Do people granted statelessness status have access to primary, secondary, and higher education?	1954 Convention : Article 22	In Bulgaria, school education is mandatory for children under 16 years old. This means that children who are granted statelessness 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 follow from the fact of being granted statelessness 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.	Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p.5, http://www.farbg.eu/publications/detention-reports-bulgaria Law on School and Pre-school Education, Article 9(2)(3)a&e, https://www.lex.bg/bg/laws/ldoc/2136641509 (B) Law on Higher Education, Article 95(8), https://lex.bg/bg/laws/ldoc/2133647361 (B)
SDS.9.h	Do people granted statelessness status have access to social security and healthcare?	1954 Convention : Articles 23 & 24 UNHCR, Handbook on Protection (2014) : The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	There are no special provisions concerning people granted statelessness 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 are eligible for social assistance under the general Law on Social Assistance.	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) FAR, Access to health care for refugees and stateless persons during a pandemic, 2021, http://www.farbg.eu/en/publications/access-healthcare-refugees-stateless-pandemic

<p>SDS.9.i</p>		<p>Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)? [Section complete, proceed to DET]</p>	<p>1954 Convention: Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.</p>	<p>No, stateless people are not allowed to vote in local or national elections. According to the Constitution of the Republic of Bulgaria only Bulgarian nationals who have reached the age of 18 years-old have the right to vote. Beneficiaries of international protection are also excluded from the right to participate in local and national elections and referendums as well as to participate in the establishment or to be members of political parties.</p>	<p>Constitution of the Republic of Bulgaria, Article 42 https://lex.bg/laws/ldoc/521957377 (B)</p> <p>Law on Asylum and Refugees, Article 32 (2) (1) https://lex.bg/laws/ldoc/2135453184 (B)</p> <p>Law on the Election of Members of the European Parliament from the Republic of Bulgaria, Article 4(2) https://www.lex.bg/laws/ldoc/2135545857 (B)</p> <p>The webpage of the Central Election Commission, available at: https://www.cik.bg/en</p>
----------------	--	---	--	---	---

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): 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. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. 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>Immigration detention is provided for in the Law on Foreign Nationals in the Republic of Bulgaria (LFRB). 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 30 days. The purpose is to conduct initial establishment of identity and assess the subsequent administrative measures to be taken by the authorities. According to the law detention is a measure of last resort. However, in practice there is almost automatic imposition of both removal and detention orders upon identification of a person with irregular residence status in Bulgaria. Bulgaria has alternatives to detention that shall, by law, be considered prior to detention:</p> <ol style="list-style-type: none"> 1) weekly reporting; 2) financial guarantee and 3) surrender of a valid passport or another travel document as a temporary pledge. <p>The alternative measures could be applied together or separately. The LFRB does not provide for a statutory time limit for alternatives to detention nor a proportionality test. In practice only the measure "weekly reporting" is applied.</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> <ol style="list-style-type: none"> 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”. 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 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.” <p>Similar conclusions were made in an Action Research Policy Brief "Immigration detention as a last resort measure" prepared by FAR's students in 2021. The report is based on observations of actual cases of detained people.</p>	<p>Law on Foreign Nationals in the Republic of Bulgaria, Article 44(6) & (13), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 44(5)&(6), 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 & 24, http://www.farbg.eu/publications/detention-reports-bulgaria</p> <p>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/spacial/2016-10_Detention_mapping_report_2016_EN.pdf</p> <p>Law on Foreign Nationals in the Republic of Bulgaria, Article 44(5), 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. 24, http://www.farbg.eu/publications/detention-reports-bulgaria</p> <p>FAR, Analytical report on the exercise by detained immigrants of the right to be heard in Bulgaria, Section III.1, http://www.farbg.eu/publications/pravo-na-izlushvane</p> <p>FAR, Action Research Policy Brief " Immigration detention as a last resort measure", 2021, http://www.farbg.eu/index.php/en/publications/actionR-immigration-detention</p>

DET.1.b		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.	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p>ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities’ diligence in handling the deportation.</p> <p>EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	As of 2021 the LFRB foresees that the removal order must indicate the country of removal. However, the law also provides the option for the authority, who issued the removal order, to change the information about the country of removal if “valid reasons for this arise”. Thus, people are deprived of procedural safeguards to separately challenge a subsequent change to the country of removal in court. Both the removal and detention order state the country of the “presumed” nationality of the person only (in many cases stateless). 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”. Previously the law referred to the return measure as “coercive taking to the border”.	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 39a(1)(2)&(3); Article 44(1)(6), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>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</p> <p>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/en/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/publications/detention-reports-bulgaria</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.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p>UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009)</p>	Yes. According to the Law on Foreigners in the Republic of Bulgaria, when, in view of the specific circumstances of the case, it is established that there is no longer a reasonable prospect to forcibly remove the foreigner, because of legal or technical reasons, they must be released immediately. In practice, however, often the migration authorities do not release foreigners immediately, unless there is a court decision in force that obliges them to do so. Thus, some detainees stay in detention for a long period even though they cannot be removed (sometimes for the maximum period of 18 months).	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 44(8), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Judgement № 9874/20.07.2020, case № 6387/2020 of the Supreme Administrative Court of the Republic of Bulgaria, http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/dddf350037e0ddbec22585a800282b69?OpenDocument</p>
DET.2.a	Identification of statelessness	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>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p>Equal Rights Trust, Guidelines (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.</p> <p>ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never</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 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”. In practice, submission of an application under the SDP from a detention centre is almost impossible. The law requires that the application is submitted in person at the	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 44(2) & (7), 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. 14, http://www.farbg.eu/publications/detention-reports-bulgaria</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 2019: https://www.statelessness.eu/resources/joint-submission-human-rights-council-36th-session-universal-periodic-review-bulgaria</p>

			be justified when there is no active or realistic progress towards transfer to another State.	Migration Directorate. The migrant detention centres are part of the Migration Directorate but so far, the authorities in detention centres refuse to accept applications. They only agree to accept the application after the intervention of UNHCR Bulgaria on a case-by-case basis and with the help of a lawyer. In one of FAR's cases, when a staff member from the detention centre agreed to register an SDP application without the intervention of UNHCR, a disciplinary punishment procedure was initiated against him.	FAR casework practice
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.	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 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”. Statelessness is not considered to be a factor increasing vulnerability.	Law on the Foreign Nationals in the Republic of Bulgaria, Additional provisions §1, point 4b https://lex.bg/bg/laws/ldoc/2134455296 (B) Law on Asylum and Refugees, Additional provisions §1, point 16 and 17, https://www.lex.bg/laws/ldoc/2135453184 (B)
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Return Directive : Article 16(3) EU Return Handbook (2017) : Attention should be paid to the specific situation of stateless persons. Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013) : European entities should assess the situation of LGBTI persons in detention. PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : There should be a clear legal obligation to screen and assess individuals’ vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.	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. Vulnerabilities are rarely considered before a decision to detain is issued. In FAR's practice there have been stateless elderly people put in continuous detention for up to 16 months as well as asylum seekers who are pregnant or single stateless mother accompanied by her minor child.	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/publications/detention-reports-bulgaria The legal practice/caselaw of FAR
DET.2.d		Are stateless people detained in practice?	As above.	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.” In 2019, 7 stateless Palestinians were detained, in 2020 (until 18 November 2020), 5 stateless Palestinians were detained. In 2019,	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. Decision No.812104- 270 of 23 November 2020 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria

				4 people, in 2020, 2 people and until 22 March 2021, 1 person with "unknown nationality" were detained.	Decision No.812104- 72 of 22 March 2021 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria
DET.3.a	Procedural safeguards	<p>Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?</p>	<p>ICCPR: Article 9(4) ECHR: Article 5(4) EU Return Directive: Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (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. UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for his arrest. Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. 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. Detention should always be for the shortest time possible. International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (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. ECtHR, Kim v. Russia (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>The maximum period for immigration detention for the purpose of removal is 18 months. Most detainees are automatically released at the end (however, see DET4.a. below for an example of when this did not occur). The maximum period for the so called "short-term" detention is 30 calendar days.</p> <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> <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 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.</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</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 44(8)&(13), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <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> <p>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 10 to 17 December 2018, p. 24, https://rm.coe.int/1680966286</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/publications/detention-reports-bulgaria</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 http://www.farbg.eu/publications/detention-reports-bulgaria</p> <p>Call for access to justice for detained immigrants in Bulgaria, 11 April 2020 http://www.farbg.eu/latest/call-access-justice-detained-immigrants-bulgaria</p> <p>Law on Legal Aid, Article 22(1)(9),</p>

				<p>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>The law provides for a right to state-funded legal aid to challenge immigration detention. In practice, access 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>	<p>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/publications/detention-reports-bulgaria</p>
DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p>Equal Rights Trust, Guidelines (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 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.</p>	<p>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 information on applying for asylum in Bulgaria, which should be aired in the detention centres in the country. At the beginning of 2022 FAR, upon an agreement with UNHCR, printed information leaflets that the Migration Directorate would hand over to the stateless applicants and would inform them about their rights and the possibility for free legal aid by FAR during the SDP.</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>FAR, Procedure for granting status to a person without citizenship, https://migrantlife.bg/articles/procedure-granting-status-person-without-citizenship (BG, AR, EN, RU)</p>
DET.3.c		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, Guidelines (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.</p>	<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.</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.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	<p>1954 Convention: Article 27</p> <p>UNHCR, Handbook on Protection (2014): Being undocumented cannot be used as a general justification for detention.</p> <p>CMW, General comment No. 5 (2021): There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with</p>	<p>No, detainees are released without identity documents, which increases the risk of re-detention. In a 2016 study, FAR observed that: “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 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.” In 2020 FAR provided legal aid to a stateless detainee who had been detained for more than 18 months in 2006-2007 and re-detained in 2020.</p>	<p>Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 27, http://www.farbg.eu/publications/detention-reports-bulgaria</p> <p>The casework practice of FAR</p>

			appropriate documentation and stay rights suitable to their situation.		
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?	<p>CJEU, Kadzoev, C-357/09 PPU (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.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	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. Amendments to the Law on Foreign Nationals that entered into force on 24 October 2019 introduced a regularisation option for unaccompanied minors under 18 years old who have not submitted an asylum application or whose asylum application had been rejected and who cannot be returned. According to the law, they may receive a 'continuous' residence permit until they reach the age of 18. After that they may receive a 'continuous' residence permit on humanitarian grounds.	<p>Law on Foreign Nationals in the Republic of Bulgaria (LFRB), Article 44a(4), https://www.lex.bg/laws/ldoc/2134455296 (B)</p> <p>Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p.26 & 27, http://www.farbg.eu/publications/detention-reports-bulgaria</p> <p>Law on Foreign Nationals in the Republic of Bulgaria (LFRB), Article 28a, https://www.lex.bg/laws/ldoc/2134455296 (B)</p>
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<p>UNHCR, Handbook on Protection (2014): Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	There are provisions on readmission of stateless persons in the bilateral readmission agreements with Bosnia and 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>Article 4(3) of the bilateral readmission agreement with Bosnia and Herzegovina; Article 4(3) of the 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 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. In the response to a freedom of information request given on 22 March 2021, the Ministry of Interior stated that "there is no information about executed return orders of stateless persons or people with unknown nationality given the fact that nationality is established in the process of identification before a return order is executed". In the response to a freedom of information request given on 22 September 2021, the Ministry of Interior stated that for the period between 1 November 2020 and 21 September 2021 no return orders were issued to stateless people, people with Palestinian origin or nationals of Palestine.	<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.812104- 72 of 22 March 2021 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria</p> <p>Decision No.812104- 205 of 21 Sept. 2021 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria</p>

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. 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.	The Law on Bulgarian Nationality 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 Nationality, Article 12 & 14, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	CoE Committee of Ministers, Recommendation No. R (99) 18 (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 Nationality, Article 12(1)(3) & Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021) : States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.	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 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. Children up to 14 years-old, who are not Bulgarian nationals but who have at least one parent who is a Bulgarian national, may acquire Bulgarian nationality, and are exempted from language or income requirements for naturalisation. Both parents or the one who is alive need to give written consent for that. The consent of a parent who is deprived of parental rights is not required. Under the same conditions, children from 14 to 18 years old and children adopted by a Bulgarian national under the conditions of full adoption can also acquire Bulgarian nationality. 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).	Law on Bulgarian Nationality, Article 12(1)(4) & (5) & Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B) Centre for Assessment of Pre-School and School Education, http://www.ckoko.bg/page.php?c=24&d=19 (B) Chapter G, point 55 of Tariff No.1 to the Law on State Fees, available at: https://lex.bg/laws/ldoc/-14643200 Law on Bulgarian Nationality, Article 18, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 ECN : Article 2 CRC : Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. European Parliament resolution (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	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 Nationality, Article 10, https://www.lex.bg/laws/ldoc/2134446592 (B)

PRS.2.b	Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR, Guidelines on Statelessness No. 4 (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, No Child Should Be Stateless (2015): The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	<p>The provision is automatic. Children acquire Bulgarian nationality under Article 10 of the Law on Bulgarian Citizenship ex lege. However, in practice the child is not automatically recorded as a Bulgarian national by the civil registrar. The parents need to file an application at the respective municipal authorities where the child's birth was registered on the grounds of article 39 of the Law on Bulgarian Nationality. This application must be filled in and signed by both parents. Its purpose is to establish the child's Bulgarian nationality and eventually to recognise the child as a Bulgarian national. The parents need to attach two pictures of the child and copies of proof of identity. Asylum registration cards are also accepted. The municipal authorities then ex officio forward the application with the attached documents to the Ministry of Justice, which should check within one month whether the child is stateless and whether it should be granted Bulgarian nationality by law.</p> <p>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.</p>	<p>Law on Bulgarian Nationality, Article 10 and article 39 https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>UN High Commissioner for Refugees (UNHCR), #IBelong Campaign Update, April-June 2022, 5 August 2022, available at: https://www.refworld.org/docid/62eeced44.html [accessed 20 March 2023], page 2</p>
PRS.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.</p>	<p>No, parents are not provided with information about their child's nationality rights. 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, in practice, the Bulgarian authorities assign the child with a fictitious foreign nationality.</p>	<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> <p>FAR and ENS, Children at risk of statelessness: Registration of birth and acquisition of citizenship, 2021, http://www.farbg.eu/en/publications/children-risk-statelessness-registration-birth-and-acquisition-citizenship (B)</p>
PRS.2.d	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): The test is not an inquiry into whether a child's parents are stateless.</p> <p>ENS, No Child Should Be Stateless (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>	<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>	<p>Law on Bulgarian Nationality, 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.2.e	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, Guidelines on Statelessness No. 4 (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, but in the case of children the State assumes a greater share of the burden of proof. 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>	<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>	<p>Law on Bulgarian Nationality, 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</p>

PRS.2.f		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>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (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. CRC: Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (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. ECN: Article 6(2)(b)</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 child is not required to fulfil a period of residence to be granted nationality.	<p>Law on Bulgarian Nationality, 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</p>
PRS.2.g		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>Committee on the Rights of the Child, Concluding observations on Czech Republic (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. ENS, No Child Should Be Stateless (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</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.	Law on Bulgarian Nationality, Article 17, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (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. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (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>The parents need to file an application at the municipality where the child's birth was registered on the grounds of article 39 of the Bulgarian Citizenship Act. They are required to pay a total of 60 BGN (30 EUR) in state fees (10 BGN for the administrative service at the municipality and 50 BGN to the Ministry of Justice). Additionally, because the fee to the Ministry of Justice can only be paid via bank transfer, a 10 BGN bank commission is also required. Banks request valid identity documents, and if the parents do not have such, they cannot pay the fee. A lawyer, however can pay on their behalf. The banks do not accept asylum registration cards as proof of identity.</p>	Law on Bulgarian Nationality, Articles 10, 11 and 39 https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<p>UNHCR, Guidelines on Statelessness No. 4 (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.</p>	No.	Law on Bulgarian Nationality, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<p>1961 Convention: Article 2 ECN: Article 6(1)(b)</p>	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 Nationality, Article 11, https://www.lex.bg/laws/ldoc/2134446592 (B)

PRS.3.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, Guidelines on Statelessness No. 4 (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 Nationality, Article 11, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (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 Nationality, Article 22 https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.4.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?	1961 Convention : Article 5 ENS, No Child Should Be Stateless (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 Nationality, Article 6, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.4.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.	ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (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 Nationality, Article 6 & Article 18(2), https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (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. In 2020 it was brought to the attention of FAR that some Roma children, born abroad and brought as babies back to Bulgaria, have issues acquiring Bulgarian nationality. This is because their birth was never registered neither in the population registry of Bulgaria, nor in the country of birth. These children cannot prove their relation to their Bulgarian parents, thus cannot prove their Bulgarian nationality.	Law on Bulgarian Nationality, 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 FAR casework/practice
PRS.5.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.)?	ECtHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW, Gen. Rec. 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. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4	According to the law, the only condition for acquisition of nationality by descent is to have at least one parent who is a Bulgarian national. However, there have been reports of discriminatory practices against children born abroad to same-sex parents that result in difficulties in accessing nationalities. A case was heard by the Court of Justice of the European Union in early 2021 of a child born abroad to a Bulgarian mother and a British mother. The Bulgarian authorities refused to issue a Bulgarian birth certificate that recognised the parenthood of both mothers, even though this left the child at risk of statelessness.	Law on Bulgarian Nationality, 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 CJEU, <i>V.M.A. v Stolichna Obsthina, Rayon 'Pancharevo'</i> (C-490/20)
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents?	CRC : Article 7 ICCPR : Article 24(2) CoE, Recommendation CM/Rec(2009)13 (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.	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.	Law on Civil Registration, Article 42(1) & Article 45(1)(9), https://www.lex.bg/laws/ldoc/2134673409 (B)

			<p>UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	For an example relating to the registration of birth of children of same-sex marriages, see PRS.6.e below.	
PRS.6.b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>HRC, Resolution A/HRC/RES/20/4 (2012): 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>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: 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>	<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> <p>In cases of Roma children born to parents without valid identity documents, the child is still issued a birth certificate, but the parent cannot acquire a copy of that certificate.</p>	<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> <p>FAR, "Advocacy Report on the Risk of Statelessness of the Roma Population", December 2020, http://www.farbg.eu/en/projects/roma-risk-statelessness (B)</p> <p>FAR casework/practice</p>	
PRS.6.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.)	CRC : 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 ius soli 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 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.</p> <p>For example, in December 2021 a stateless child was born on the territory of Bulgaria to a Palestinian stateless family. In the birth certificate of the child the nationality was initially written "stateless" and later corrected to "not pointed" by the respective municipal authorities. The child was not recorded automatically as having Bulgarian nationality.</p>	<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> <p>FAR and ENS, Children at risk of statelessness: Registration of birth and acquisition of citizenship, 2021, http://www.farbg.eu/en/publications/children-risk-statelessness-registration-birth-and-acquisition-citizenship (B)</p> <p>FAR casework</p>	
PRS.6.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, competent authority, and	<p>CRC: Articles 3 & 7</p> <p>1961 Convention: Articles 1 & 4</p> <p>UNHCR, Guidelines on Statelessness No. 4 (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined</p>	<p>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</p>	<p>Ruling No. 424 of June 17, 2015 of the Supreme Court of Cassation, Fourth Civil Division, Private Civil Case No. 2482/2015</p> <p>Article 547 of the Code on Civil Procedure: https://www.lex.bg/laws/ldoc/2135558368</p>	

		whether the child's best interests are taken into consideration.	<p>nationality. Such a period should not exceed five years.</p> <p>HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p> <p>UNHCR, Best Interests Procedure Guidelines (2021)</p> <p>HRC, D.Z. v. Netherlands (2021)</p>	<p>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. FAR initiated such a case in June 2021, and it was still pending in 2022.</p> <p>The best interests of the child need be taken into consideration under the Child Protection Act.</p>	<p>Art. 81a of the Law on Civil Registration: https://www.lex.bg/laws/ldoc/2134673409</p> <p>Art. 3, p. 3 of the Child Protection Act https://lex.bg/laws/ldoc/2134925825</p>
PRS.6.e		Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: 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.</p> <p>Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p>Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p>European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>	<p>There are reports that Bulgarian authorities have refused to issue a Bulgarian birth certificate to children born abroad to same-sex parents (one of whom is a Bulgarian national), when the foreign birth certificate states two parents of the same sex. A case was heard by the Court of Justice of the European Union in early 2021 of a child born in Spain to a Bulgarian mother and a British mother. The Bulgarian authorities refused to issue a Bulgarian birth certificate that recognised the parenthood of both mothers, even though this left the child at risk of statelessness. The CJEU found that where a birth certificate issued in an EU Member State (of which the child is not a national) designates parents of the same sex, the Member State of which the child is a national is required to issue an identity card or a passport to the child, without requiring a birth certificate to be drawn up beforehand by its national authorities. It also held that the Bulgarian authorities, and any other Member State, must recognise the parent-child relationship as established by the authorities of another Member State for the purposes of permitting the exercise of the child's right to move and reside freely within the EU, and any documents that would allow such travel. The case is still pending before the national courts and the child has not yet been issued an identity document.</p>	<p>CJEU, <i>V.M.A. v Stolichna Obsthina, Rayon 'Pancharevo'</i> (C-490/20). Summary available at https://caselaw.statelessness.eu/caselaw/cjeu-vma-case-c-49020.</p> <p>Arpi Avetisyan, ILGA Europe & Patrícia Cabral, ENS, 'Celebrating progress in the protection of rainbow families, but more needs to be done': https://www.statelessness.eu/updates/blog/celebrating-progress-protection-rainbow-families-more-needs-be-done</p>

PRS.6.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)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC : 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. Children's personal data, in particular biometric data, should only be used for child protection purposes. CoE, ECRI General Policy Recommendation No. 16(2016) : States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	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 and there is no firewall against such a practice	Law on Civil Registration, https://www.lex.bg/laws/ldoc/2134673409 (B) FAR and ENS, Children at risk of statelessness: Registration of birth and acquisition of citizenship, 2021, by Rositsa Atanasova, assigned by the Foundation for Access to Rights - FAR http://www.farbg.eu/en/publications/children-risk-statelessness-registration-birth-and-acquisition-citizenship (B)
PRS.6.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.	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. HRC, Resolution A/HRC/RES/20/4 (2012) : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	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 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.	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, https://www.lex.bg/laws/ldoc/2134673409 (B) Civil Procedure Code, Article 542, https://www.lex.bg/laws/ldoc/2135558368 (B)
PRS.6.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.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 7	No.	
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	In some cases, unreturnable undocumented migrants in Bulgaria for whom there is no regularisation mechanism are stateless or at risk of statelessness. There are persons from the Roma community in Bulgaria who are unable to renew their ID documents, because they cannot meet the requirement to provide address registration. These persons are at risk of statelessness, although by law they are Bulgarian nationals, they are unable to prove their nationality. They are unable to access basic rights such as health care, social assistance, access to the labour market etc. It also affects their ability to register the births of their children, potentially passing on the risk of statelessness to their children.	Foundation for Access to Rights - FAR and ENS, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p. 13, http://www.farbg.eu/publications/detention-reports-bulgaria Implementing Rules for the Issuance of Bulgarian Identity Documents, Article 20 (2), https://lex.bg/bg/laws/ldoc/2135663268 FAR project "Roma at Risk of Statelessness" under the 2020 PA with ENS, http://www.farbg.eu/projects/romi-v-risk-ot-bezgrazhdanstvenost
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of	No.	

		treaty reservations, reform of discriminatory laws, etc.)	statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.		
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p>1961 Convention: Article 8 & 9 ECN: Article 7(3) UDHR: Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23 UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>	Yes. In the Law on Bulgarian Citizenship there are provisions on renunciation 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 are admissible only provided that the person does not remain stateless. There are no provisions that allow for statelessness. However, there are no remedies if this is not observed, for example, if statelessness is not identified.	Law on Bulgarian Citizenship, Articles 20–25, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p>1961 Convention: Article 8(4) ECN: Articles 10 to 13 Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	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.	<p>Law on Bulgarian Nationality, Article 36, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Administration of the President of the Republic of Bulgaria, Report on the Activity of the Commission for Bulgarian Nationality and Bulgarians Abroad for the Period January 22, 2012 - January 18, 2017, p. 1, https://www.president.bg/docs/1484820446.pdf (B)</p> <p>Administration of the President of the Republic of Bulgaria, Report on the Activity of the Commission for Bulgarian Nationality for the Period January 01, 2019 - December 31, 2019, p. 13-14, https://www.president.bg/docs/1580292714.pdf (B)</p>
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		According to the publicly available data, 26 people were issued decrees for revocation of their naturalisation in 2019-2021. The reasons stated for the revocation are: legal violations with imposed bans on entry and residence in the Schengen area; hidden facts and data for court and criminal records; convictions for intentional crimes of a general nature in the country of origin or in a Schengen area have entered into force; wanted persons by Interpol; non-maintenance of the investments, which became grounds for acquiring Bulgarian nationality, for at least two years, as of the date of naturalization. No information is provided about cases resulting in statelessness. According to the Law on Bulgarian	<p>Report on the activity of the Commission on Bulgarian Nationality for the period 01 January - 31 December 2019, https://www.president.bg/docs/1580292714.pdf (B)</p> <p>Report on the activity of the Commission on Bulgarian Nationality for the period 01 January - 31 December 2020, https://www.president.bg/docs/1612171599.pdf (B)</p> <p>Report on the activity of the Commission on Bulgarian Nationality for the period 01 January - 31 December 2021, https://www.president.bg/docs/1643018870.pdf (B)</p>

				<p>Nationality, revocation of naturalisation is possible provided that the person does not remain stateless. It is noteworthy that revocation of naturalisation is not a subject to judicial review. Thus, even if revocation of naturalisation results in statelessness there are no effective means of protection.</p> <p>No cases of deprivation of nationality were recorded.</p>	<p>Law on Bulgarian Nationality, Article 22(2), https://www.lex.bg/laws/ldoc/2134446592 (B)</p>
PRS.8.d		<p>Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?</p>	<p>1961 Convention: Article 7 ECN: Articles 7 and 8</p>	<p>Yes, there are safeguards against statelessness, but they are insufficient. On the one hand, according to the Law on Bulgarian Citizenship, a Bulgarian national who permanently resides abroad may request renunciation of Bulgarian nationality if they have acquired foreign nationality or if there is evidence of an open procedure for acquiring foreign nationality (Article 20). Therefore, if the person does not acquire foreign nationality, they cannot request renunciation from Bulgarian nationality, hence cannot become stateless. On the other hand, a person who renounced their Bulgarian nationality can make a request to restore it under certain conditions:</p> <ol style="list-style-type: none"> 1. not being convicted of an intentional crime in the country of residence or in Bulgaria; and 2. not posing a threat to public order, public morals, public health or national security; 3. not less than 3 years before the date of submission of the application for restoration, they shall have had a permit for permanent or long-term residence in Bulgaria (Article 26). Given these conditions, a person who for some reason was deprived of their foreign nationality, would not be able to restore their Bulgarian nationality if they fall under any of the above exclusions, thus will become stateless. 	<p>Law on Bulgarian Nationality , Article 20 & 26, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>
PRS.8.e		<p>Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.</p>	<p>Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards. UNHCR Guidelines on Statelessness No.5 (2020): Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p>	<p>There are two types of deprivation of nationality in the broad sense under Bulgarian law: "revocation of naturalisation" under Article 22 of the Law on Bulgarian Citizenship and "deprivation of nationality" under Article 24.</p> <p>According to Article 22, naturalisation is revoked if the person inter alia:</p> <ol style="list-style-type: none"> 1. has used data or facts that have become grounds for acquiring Bulgarian nationality, for which it has been established by court that they are untrue, and/or 2. has concealed data or facts, which, if they were known, would be grounds for refusal to acquire Bulgarian nationality, and/or; 3. has not informed the authorities about a change in the facts and circumstances on the basis of which they acquired Bulgarian nationality by naturalisation; 4. has not supported the investments that became the basis for acquiring Bulgarian nationality for at least two years from the date of naturalisation; <p>The revocation of naturalisation is in principle admissible only until the expiry of 10 years from the acquisition of Bulgarian nationality, except in the cases when the data and facts under items 1 and 2 refer to the participation of the person in terrorism, and provided that the person does not remain stateless.</p> <p>According to Article 24, a person who has acquired Bulgarian nationality by naturalisation might be deprived of it if they have been convicted of a serious crime against the republic, provided that they are residing abroad and are not left stateless.</p>	<p>Law on Bulgarian Nationality, Articles 22 &24, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Administration of the President of the Republic of Bulgaria, Report on the Activity of the Commission for Bulgarian Nationality and Bulgarians Abroad for the Period January 22, 2012 - January 18, 2017, p. 1, https://www.president.bg/docs/1484820446.pdf (B)</p> <p>Report on the activity of the Commission on Bulgarian Nationality for the period 01 January - 31 December 2019, https://www.president.bg/docs/1580292714.pdf (B)</p> <p>Report on the activity of the Commission on Bulgarian Nationality for the period 01 January - 31 December 2020, https://www.president.bg/docs/1612171599.pdf (B)</p>

				<p>It is noteworthy that neither revocation of naturalisation nor deprivation of nationality are subject to judicial review.</p> <p>In the period from 22 January 2012 to 18 January 2017, the Vice President of the Republic of Bulgaria issued decrees for revocation of naturalisation for 103 persons. In 2018 - 18 people; In both periods, one of the listed reasons for the issuance of such decrees is "reasons related to public order and security". 6 people in 2019 and 10 people in 2020 were issued decrees for revocation of their naturalisation with reasons such as having convictions for intentional crimes of a general nature in the country of origin or in a Schengen area that entered into force; being wanted by Interpol.</p>	
PRS.8.f		<p>Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.</p>	<p>ICCPR: Article 26 1961 Convention: Article 9 ECN: Article 5 Principles on Deprivation of Nationality: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p>	<p>Revocation of nationality under Art.22 of the Law on Bulgarian Citizenship only applies to naturalised Bulgarians and not to Bulgarians by birth, which constitutes discrimination between nationals.</p>	
PRS.8.g		<p>Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.</p>	<p>CRC: Articles 2(2), 7 and 8 CEDAW: Article 9(1) Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	<p>Neither the revocation of naturalisation nor deprivation of nationality are subject to judicial review. Therefore, there are no safeguards in place.</p> <p>According to Article 25 of the Law on Bulgarian Nationality the deprivation of nationality of one spouse does not change the nationality of the other spouse and children. Respectively the revocation of the naturalisation of one spouse does not lead to revocation of the naturalisation of the other spouse and the children, unless they have obtained Bulgarian citizenship on the basis of the same incorrect or hidden data or facts (Article 23).</p>	<p>Law on Bulgarian Nationality, Articles 23 & 25, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>

Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p>Ruling of 09.08.2022 on a preliminary ruling request to the CJEU in case No. 5797/2021 before the Sofia City Administrative Court, https://search-sofia-adms-g.justice.bg/Acts/GetActContent?BlobID=3d881358-e7f7-4a9f-ae5c-1afc9caf8fd8</p> <p>Decision No. 6819/07.07.2022 in administrative case No. 3789 / 2022. Supreme Administrative Court of the Republic of Bulgaria, https://info-adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=1962950&code=vas (B)</p> <p>Court of Justice of the European Union, Case C-490/20, V.M.A. v Stolichna obshtina, rayon „Pancharevo“, judgment of 14 December 2021, https://curia.europa.eu/juris/document/document.jsf?text=&docid=251201&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1020285</p> <p>Ruling № 9718/28.09.2021, case № 8933/2021 Supreme Administrative Court, http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/7cf5a9477f02197ec22587590028154d?OpenDocument (B)</p> <p>Ruling № 2481/17.02.2020, case № 1377/2020 Supreme Administrative Court http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/38188d47884c6787c225850d004e591b?OpenDocument</p> <p>Judgement № 9874/20.07.2020, case № 6387/2020 of the Supreme Administrative Court of the Republic of Bulgaria, http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/dddf350037e0ddbec22585a800282b69?OpenDocument</p> <p>Judgement № 5136/ 06.10.2020 r., case № 5935/ 2020 Sofia City Administrative Court</p> <p>Judgement № 1541/08.03.2019, case №460/2019, Sofia City Administrative Court, https://caselaw.statelessness.eu/caselaw/bulgaria-sofia-city-administrative-court-sager-al-anezi-v-state-agency-refugees (B)</p> <p>Ruling No 843 of 22.01.2018, case No. 11998/2017, Supreme Administrative Court, http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/9095f472d2916012c2258217002a4fc9?OpenDocument (B) ;</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, Practical problems in the international protection system in Bulgaria and the application of Article 1D of the 1951 Convention, September 2022, available at https://farbg.eu/en/publications/palestinian_refugees_article_1D</p> <p>Foundation for Access to Rights – FAR and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 15, http://www.farbg.eu/publications/detention-reports-bulgaria</p>

RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (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 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 2022.	
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		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. In 2021, upon assignment by FAR, Rositsa Atanasova also prepared and FAR published three policy briefs assigned to her by the Foundation for Access to Rights - FAR under a partnership agreement with ENS. Students, who were part of FAR's migration and refugee law training also prepared policy briefs on the topic of statelessness. In 2022, within an ENS project, FAR published a report concerning stateless Palestinians and Article 1D.	<p>Practical problems in the international protection system in Bulgaria and the application of Article 1D of the 1951 Convention, FAR and ENS, https://farbg.eu/en/publications/palestinian_refugees_article_1D (B)</p> <p>FAR and ENS, Children at risk of statelessness: Registration of birth and acquisition of citizenship, 2021, by Rositsa Atanasova, assigned by the Foundation for Access to Rights - FAR http://www.farbg.eu/en/publications/children-risk-statelessness-registration-birth-and-acquisition-citizenship (B)</p> <p>FAR and ENS, Deprivation of citizenship: (Non)discrimination and remedies, 2021, by Rositsa Atanasova, assigned by the Foundation for Access to Rights - FAR http://www.farbg.eu/en/publications/lishavane-ot-grazhdanstvo (B)</p> <p>FAR and ENS; Stateless persons: Right of residence and access to fundamental rights, 2021, by Rositsa Atanasova, assigned by the Foundation for Access to Rights - FAR http://www.farbg.eu/en/publications/stateless-persons-right-of-residence-fundamental-rights (B)</p> <p>FAR, Stateless persons - burden of proof, 2021, http://www.farbg.eu/en/publications/stateless-persons-burden-of-proof (B)</p> <p>FAR, Access to health care for refugees and stateless persons during a pandemic, 2021, http://www.farbg.eu/en/publications/access-healthcare-refugees-stateless-pandemic</p> <p>Foundation for Access to Rights, "Advocacy Report on the Risk of Statelessness of the Roma Population", December 2020, http://www.farbg.eu/en/projects/roma-risk-statelessness (B)</p> <p>Article by Valeria Ilareva and Magdalena Miteva on the ENS blog "Bulgaria: Celebrating progress and staying vigilant about remaining gaps", 20 February 2020, https://www.statelessness.eu/updates/blog/bulgaria-celebrating-progress-and-staying-vigilant-about-remaining-gaps</p> <p>Article by Dr.Valeria Ilareva , ENS blog: Tainted trust - Despite the introduction of a statelessness determination procedure, stateless persons in Bulgaria still face arbitrary detention", 21 February 2019 https://www.statelessness.eu/updates/blog/tainted-trust-</p>

				<p>despite-introduction-statelessness-determination-procedure-stateless</p> <p>Foundation for Access to Rights – FAR and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 15, http://www.farbg.eu/publications/detention-reports-bulgaria</p> <p>Summary in Bulgarian: http://www.farbg.eu/publications/detention-reports-bulgaria (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> <p>Tsankov, Veselin Hristov, Stateless Persons in the Republic of Bulgaria, Actual Legal Aspects, 2014 - article published in a collection of reports from the Varna Free University (In Bulgarian: Цанков, Веселин Христов, Лицата без гражданство в Република България - актуални правни аспекти, включена в “Правото между традицията и модерността : сборник с доклади : научна конференция, проведена в рамките на Лятната научна сесия на Юридическия факултет, катедра “Правни науки” във Варненския свободен университет “Черноризец Храбър”, 20 юни 2014 г“</p>
--	--	--	--	--