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International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	UN Treaties Database, https://treaties.un.org/Pages/ViewDetailsII.aspx?src=IND&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en#EndDe
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, http://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=60939 (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 effect on the rights of stateless persons.	Yes, Bulgaria has made reservations to: <ul style="list-style-type: none"> • 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). 	UN Treaties Database, https://treaties.un.org/Pages/ViewDetailsII.aspx?src=IND&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en#EndDe
IOB	1	d		Does Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on 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	Article 5 (4), Constitution of the Republic of Bulgaria, http://www.parliament.bg/en/const

						into force for the Republic of Bulgaria, are part of the domestic law of the country and take precedence over contradicting domestic legislation.	
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes.	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=_en
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, http://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=60939 (B)
IOB	2	c		Are there reservations in place? Please list them.	As above	No	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=_en
IOB	2	d		Does Convention have direct effect?	As above	Yes	Article 5(4) of the Constitution of the Republic of Bulgaria, http://www.parliament.bg/en/const
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Are there reservations in place? Please list them.	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, https://www.coe.int/en/web/conventions/full-list//conventions/treaty/166/signatures?p_auth=cuii0yaM
IOB	3	b		State Party to European Convention on Human Rights 1950? Are there reservations in	European Convention on Human Rights, 1950	Yes. There are no reservations in place.	Council of Europe, Chart of signatures and ratifications of Treaty 005, https://www.coe.int/en/web/conventions/full-list//conventions/treaty/005/signatures?p_auth=zPMYIIM

				place? Please list them.			
IOB	3	c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Are there reservations in place? Please list them.	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, https://www.coe.int/en/web/conventions/full-list//conventions/treaty/200/signatures?p_auth=zPMYZIIM
IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Are there reservations in place? Please list them.	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Yes, Bulgaria is an EU Member State and has no reservations.	EU member countries in brief, https://europa.eu/european-union/about-eu/countries/member-countries/bulgaria_en
IOB	3	e		State Party to Convention on the Rights of the Child 1989? Are there reservations in place? Please list them.	Convention on the Rights of the Child 1989	Yes. No reservations.	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&clang=en

IOB	3	f		State Party to International Covenant on Civil and Political Rights 1966? Are there reservations in place? Please list them.	International Covenant on Civil and Political Rights 1966	Yes. No reservations.	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-5&chapter=4&clang=en
IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Are there reservations in place? Please list them.	International Covenant on Economic, Social and Cultural Rights 1966	Yes. No reservations.	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=en#EndDec
IOB	3	h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Are there reservations in place? Please list them.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	Yes. No reservations.	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=en#9
IOB	3	i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes. No reservations.	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&clang=en#18

				Treatment or Punishment 1984? Are there reservations in place? Please list them.			
IOB	3	j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Are there reservations in place? Please list them.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes. No reservations.	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&clang=en#EndDec
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? Are there reservations in place? Please list them.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	UN Treaties Database, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-13&chapter=4&clang=en

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Govt have a discrete category for statelessness in its data collection system (e.g. in the census)? If so, what are the Govt figures for the total stateless population on the territory? Is the data disaggregated? If so, how?	<ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW (para. 39): States parties should... gather, analyse and make available sex-disaggregated statistical data and trends... • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices...concerning the collection of reliable data on stateless persons... • UNHCR Global Action Plan to End Statelessness 2014-2024 (Action 10): Improve quantitative and qualitative data on stateless populations... • Institute on Statelessness and Inclusion (The World's Stateless) pg.11: States should adopt and/or strengthen measures to count stateless persons on their territory... 	<p>There is no specific category on stateless persons in the census and there is no centralised figure on the total stateless population in Bulgaria. Miscellaneous pieces of data on stateless persons can be found in data gathered by the Ministry of the Interior, the State Agency for Refugees and the Ministry of Justice. The National Statistical Institute has published data on “international migration” in Bulgaria concerning immigrants and emigrants. The number of immigrants is divided into Bulgarian nationals and other nationals. The data on other nationals is divided into two categories: EU nationals and non-EU nationals. The statistical data on non-EU nationals includes aggregate data on “<i>third country nationals, stateless persons and unknown citizenship</i>”. The Migration Directorate at the Ministry of the Interior gathers data on the number of lawful residents: persons who were granted stateless status and stateless persons or ‘persons with unknown citizenship’ 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</p>	<p>National Statistical Institute of Bulgaria, International Migration in 2017 by Age and Citizenship of the Migrants, http://www.nsi.bg/en/content/13040/international-migration-age-and-citizenship-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, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p> <p>The State Agency for Refugees, https://aref.government.bg/index.php/en/</p>

						of stateless persons who obtained Bulgarian citizenship.	
POP	1	b		Do Govt authorities define categories of persons who may overlap with stateless (e.g. unknown nationality, unspecified nationality, other)? Are statistics on these available? If, yes, please indicate categories and statistics.	As above	Yes. The Migration Directorate at the Bulgarian Ministry of the Interior gathers statistical data on the number of 'persons with unknown citizenship' 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 citizenship' is 103.	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. 212164 - 54 of 21 June 2016 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
POP	1	c		What is the UNHCR estimate for the population of stateless persons and/or those at risk of statelessness on the territory? What is UNHCR's source for this information?	As above	UNHCR does not have an estimate of the population of stateless persons and/or those of risk at statelessness in Bulgaria.	Response by UNHCR Representation in Bulgaria.
POP	1	d		Are there indirect (proxy) sources of statistics on stateless	As above	The State Agency for Refugees (SAR) gathers statistics on the citizenship of asylum seekers and beneficiaries of international protection in Bulgaria. According to SAR, in 2017, there were 29 stateless persons and 1 person from the	Decision No. RD 05 -127/ 16.02.2018 to provide access to public information, Chairperson of the State Agency for Refugees

				persons? E.g. categories of persons for which statistics are available where stateless persons may be more highly represented (e.g. relevant country of origin or profiles (e.g. Palestinians or Syrian Kurds)? Please provide explanation and figures.		“Occupied Territory” who sought asylum in Bulgaria. In 2017 refugee status was granted to 14 stateless persons and subsidiary protection to 11 stateless persons. In 2016, 69 stateless persons and 1 person from the “Occupied Territory” applied for international protection. In 2016 refugee status was granted to 13 stateless persons and subsidiary protection to 8 stateless persons. When imposing "expulsion" and "return", the Ministry of Interior states the citizenship of the foreign citizen 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.	Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
POP	1	e		Have there been surveys or mapping studies done to estimate the population of stateless persons in the country?	UNHCR Global Action Plan to End Statelessness 2014-2024: Action 10	No.	
POP	1	f		Are there other sources of estimates for the population of stateless persons (not covered by the above)? If so, list sources and figures.	As above	In 2016, the Foundation for Access to Rights (FAR) under a partnership agreement with the European Network on Statelessness, submitted freedom of information requests and gathered data on the number of stateless persons from the Ministry of the Interior, the State Agency for Refugees and the Ministry of Justice.	Foundation for Access to Rights and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, pp. 15-17, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf

POP	1	g		Are there issues with reliability of stateless data? If yes, please describe why.	As above	Yes. According to the study, carried out by FAR for ENS in 2016: <i>“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 citizens of those countries. Therefore, the validity of official statistical data regarding stateless persons in detention should be addressed with caution.”</i>	Foundation for Access to Rights and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.15, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf
POP	1	h		Are there indications that the stateless population is either over or under reported? Please describe.	As above	In view of the findings in the 2016 study carried out by FAR for ENS, there are indications that stateless detainees are underreported.	Foundation for Access to Rights, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.15, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf
POP	1	i		Please provide any available figures on stateless refugees or asylum seekers (if there is data, please clarify whether Govt also counts stateless refugees and asylum seekers in the stateless population to avoid under/over reporting).	As above	According to the statistics of the State Agency for Refugees (SAR), in 2017 there were 29 stateless persons and 1 person from the “Occupied Territory” who sought asylum in Bulgaria. In 2017 refugee status was recognized to 14 stateless persons and subsidiary protection to 11 stateless persons. In 2016, 69 stateless persons and 1 person from the “Occupied Territory” applied for asylum. In 2016, 13 stateless persons received refugee status and 8 stateless persons received subsidiary protection.	Decision No. RD 05 – 127/16.02.2018 to provide access to public information, Chairperson of the State Agency for Refugees.

POP	2	a	Stateless in detention data	Number of stateless persons in immigration detention	As above and see also norms in Detention section.	<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>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>
POP	2	b		Are there statistics on individuals released from immigration detention who were unremovable, their country of origin and	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.

				length of detention? If yes, please provide.			
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Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IDP	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 1(1) and 1(2).	<p>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. According to Article 21e(1) of LFRB, a person is excluded from the status of a stateless person based on these separate grounds:</p> <ol style="list-style-type: none"> 1. he falls within the scope of Article 1(2) of the 1954 Convention Relating to the Status of Stateless Persons; 2. he did not declare his citizenship in order to receive stateless status. <p>However, furthermore, according to article 21e(2) of LFRB, a refusal <i>may</i> be issued to an applicant who:</p> <ol style="list-style-type: none"> “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; 2. resides illegally on the territory of the Republic of Bulgaria as of the date of submission of the application; 3. has resided lawfully and without interruption on the territory of the Republic of Bulgaria for less than 5 years.” <p>These de-facto exclusion clauses in Article 21e(2) LFRB contradict the 1954 Convention as no requirements for lawful residence or for lawful residence for a certain period of time are envisaged.</p>	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)

IDP	1	b	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure (proceed to Question 2a).</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ... it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments. • UNHCR (Good Practices Paper 6): Establishing a statelessness determination procedure is the most efficient means for States Parties to the 1954 Convention to identify the beneficiaries of that Convention. 	<p>#1. There is a dedicated statelessness determination procedure (SDP) established in law.</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, https://www.lex.bg/laws/ldoc/2135738597 (B)</p>
IDP	2	a		<p>You have identified that your country has a dedicated SDP established in law, administrative guidance or judicial procedure. Which authority is responsible for determining statelessness?</p>	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: There is no general rule for appointing the most appropriate authority for statelessness determination... the structure must be evaluated in light of the specific national circumstances. 	<p>The Director of the Migration Directorate at the Ministry of Interior or an official authorised by him/her.</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 21d (In Bulgarian: 21r), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p>

IDP	2	b	Access to procedure (SDP)	<p>Must an application for statelessness status be made on a specific form? Are there clear instructions on how to make a claim for statelessness or how to fill in the relevant forms?</p>	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: For procedures to be fair and efficient, access to them must be ensured. Dissemination of information, including through targeted information campaigns... counselling on the procedures ... Given that individuals are sometimes unaware of SDPs or hesitant to apply...procedures can usefully contain safeguards permitting State authorities to initiate a procedure.</p> <p>UNHCR (Good Practices Paper 6): ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Bureaucratic difficulties (such as complicated application forms, inflexible procedures, strict language requirements, limited places where claims can be submitted, high costs, etc.) can encumber, or even impede access to SDPs.</p> <p>ENS (2016), Protecting Stateless Persons from Arbitrary Detention in the United Kingdom: Any application form to apply for stateless status should be simplified and offered in a</p>	<p>Yes, the application must be made on a specific form - in accordance with Annex 6a of the Implementing Rules. There are no instructions in the application form on how to fill it in.</p>	<p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63a(1), https://www.lex.bg/laws/ldoc/2135738597 (B)</p>
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					variety of languages... [and] made freely available, including in immigration detention centres.		
IDP	2	c		Do submissions and/or other written evidence have to be submitted in an official language?	UNHCR (Good Practices Paper 6) : As above.	<p>Yes. The general rule for administrative procedures is that documents in a foreign language shall be accompanied by translation into Bulgarian. In its official response to our freedom of information request, the Migration Directorate at the Ministry of the Interior referred to article 63h (in Bulgarian: 63з) of the Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria. According to this article, the documents that are submitted by the applicants shall meet the requirements of the relevant provisions of the bilateral agreements or of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents or of the Bulgarian Regulation on Legalization, Certification and Translation of Documents and Other Documents (SG, issue 73 of 1958). The documents shall be translated into Bulgarian by a certified translator.</p>	<p>Administrative Procedure Code, Article 14(3), https://www.lex.bg/laws/ldoc/2135521015 (B)</p> <p>Decision No. 812104-135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, https://www.lex.bg/laws/ldoc/2135738597 (B)</p>
IDP	2	d		Can an application for stateless status be made orally to a public official?	UNHCR (Good Practices Paper 6) : As above. UNHCR (2014), Handbook on Protection of Stateless Persons : Given that individuals are sometimes unaware of SDPs or hesitant to apply for statelessness status, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	<p>No. The procedure starts with a written application.</p>	<p>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63a(1), https://www.lex.bg/laws/ldoc/2135738597 (B)</p>

IDP	2	e		Are there obligations in law on authorities to consider the application?	UNHCR (Good Practices Paper 6) : 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)
IDP	2	f		Are government authorities authorised to initiate SDPs <i>ex officio</i> ?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): ...it is recommended that governmental authorities be authorised to initiate these procedures <i>ex officio</i>... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above. 	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)
IDP	2	g		Is there an application fee?	• UNHCR (Good Practices Paper 6) : access to the SDP must be guaranteed.	An application fee is not explicitly envisaged in law. However, in practice, in the case of a stateless person followed by FAR, the migration authorities collected a fee for submitting the application on statelessness determination. The amount of the fee was 10 BGN (5 EUR as of Feb 2019).	<p>Tariff No. 4 on the Fees Collected in the System of the Ministry of the Interior under the Law on State Taxation</p> <p>Observation by FAR lawyer Denitsa Georgieva made on 27 November 2017 at the Regional Directorate of the Ministry of the Interior in the city of Plovdiv.</p>
IDP	2	h		Is there a requirement for lawful stay to access the SDP?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Access to the procedure needs to be open to anyone who claims to be stateless, regardless of...lawful stay or residence... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Everyone in a state's territory must have access to SDPs. There is no basis in the 1954 Convention 	There is no requirement for lawful stay to access the SDP. However, the competent authority may refuse to grant stateless status to a person who resides unlawfully on the territory of the Republic of Bulgaria.	Law on Foreign Nationals in the Republic of Bulgaria – Article 21e(2)(2) LFRB (In Bulgarian: член 21 д, ал. 2, т. 2) https://lex.bg/bg/laws/ldoc/2134455296 (B)

					for requiring that applicant ... be lawfully within a state.		
IDP	2	i		Is there a time limit beyond which a person cannot access the SDP? If so, what is this and can the requirement be waived?	UNHCR (Good Practices Paper 6) : For procedures to be fair and efficient... access to the SDP must be guaranteed and not subject to time limits. ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices : There is... no basis in the 1954 Convention to set time limits for individuals to claim stateless status...	No, there is no time limit.	Law on Foreign Nationals in the Republic of Bulgaria https://lex.bg/bg/laws/ldoc/2134455296 (B)
IDP	2	j		Is the examination of statelessness claims conducted by a dedicated centralised body with relevant expertise? If yes, please specify.	UNHCR (2014), Handbook on Protection of Stateless Persons : 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 Paper 6) : Where to situate SDPs institutionally is a matter of State discretion and can vary from one country to the next. Regardless...it is important that examiners develop expertise... while ensuring that the procedures are accessible...	Yes. The examination of statelessness claims is conducted by a centralised body, the Migration Directorate at the Ministry of the Interior, which communicates with other authorities in the procedure: the State Agency for National Security, the Ministry of Foreign Affairs and the Ministry of Justice.	Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B) Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63a(3), Article 63b(1), Article 63c, Article 63 e. In Bulgarian: чл. 63а, ал. 3, чл. 63б, ал. 1, чл. 63в, чл. 63д), https://www.lex.bg/laws/ldoc/2135738597 (B)

IDP	2	k		<p>Is there training to inform different government bodies about statelessness and SDPs? If yes, please provide details (e.g. who provides training to whom and how often?)</p>	<p>UNHCR Executive Committee, Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons 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.</p> <p>UNHCR (Good Practices Paper 6): Training sessions for officials and meetings between the various decentralised bodies, UNHCR and civil society take place on a regular basis, allowing for an exchange of information and discussion...</p>	<p>The question was asked in a freedom of information request addressed to the Migration Directorate at the Ministry of the Interior. The brief answer obtained is that “trainings are conducted by UNHCR”.</p> <p>According to the response received by UNHCR: “UNHCR regularly conducts national trainings for staff responsible for the examination of SDP applications. The first such training took place in October 2017. In addition, UNHCR includes the issue of statelessness in its regular training provided to the Border Police (3 times per year) and Directorate Migration (employees in charge of detention centers and imposition of return measures) (2-3 times per year).”</p>	<p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p> <p>Response by UNHCR Representation in Bulgaria.</p>
IDP	2	l		<p>Is there cooperation between agencies that may have contact with stateless people? If so, how are cases referred to the appropriate authority for determination?</p>	<p>UNHCR (Good Practices Paper 6): cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	<p>According to the law, the SDP shall be suspended when it is established that the applicant has also applied for international protection. The SDP shall be suspended until the final decision on the application for international protection is made, unless it is possible to determine statelessness without having to consult the authorities of the country of origin. In case international protection is refused, withdrawn or terminated, or when the asylum procedure is terminated, the SDP may be resumed upon submission of a written application by the applicant. The question was asked in a freedom of information request addressed to the Migration Directorate at the</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>

						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.	
IDP	3	a	Assessment (SDP)	Who has the burden of proof in the SDP? Is this shared in practice, even if not in law?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: ...the burden of proof is in principle shared, in that both the applicant and examiner must cooperate to obtain evidence and to establish the facts.</p> <p>UNHCR (Good Practices Paper 6): SDPs must... take into consideration the difficulties inherent in proving statelessness. UNHCR recommends that SDPs provide for a shared burden of proof...</p> <p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The applicant has a duty to provide as full</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. his place of birth; 2. previous residence; 3. citizenship 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 his / her legal residence on the territory of the Republic of Bulgaria.</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>Implementing Rules of the Law on Foreign Nationals in the Republic of Bulgaria, Article 63d (in Bulgarian: чл. 63р), 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>and truthful account...as possible and to submit all evidence reasonably available. Similarly, the determination authority is required to obtain and present all relevant evidence reasonably available to it... authorities need to... [give] sympathetic consideration to testimonial explanations regarding the absence of certain kinds of evidence.</p> <p>UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is incumbent on individuals to cooperate to establish relevant facts. If an individual can demonstrate, on the basis of all reasonably available evidence, that he or she is evidently not a national, then the burden should shift to the State to prove that the individual is a national of a State.</p>	<p>According to Article 21c(7) LFRB, in the course of the SDP, the applicant is obliged to assist the authorities by presenting his situation in good faith and submitting all the evidence relevant for the examination of his application which he has or may reasonably be presumed to be available to him. 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 him is to issue a decision after establishing all relevant facts and circumstances.</p>	
IDP	3	b		<p>What is the standard of proof? Is it the same as in asylum applications?</p>	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: States are...advised to adopt the same standard of proof as ... in refugee status determination, namely... to a “reasonable degree”... UNHCR, Nationality and Statelessness, Handbook for Parliamentarians No. 22,</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 he has made an effort to substantiate his/her application, has provided a satisfactory explanation for the lack of evidence and his statements have been assessed to be</p>	<p>Article 75(3) of the Law on Asylum and Refugees, https://lex.bg/laws/ldoc/2135453184 (B)</p>

					<p>2014: Because of the difficulties inherent in proving statelessness, the threshold of evidence required ... should not be too high. States are therefore advised to adopt the same standard of proof as in refugee status determination.</p>	<p>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>	
IDP	3	c		<p>Is there respect for specific protection needs and evidentiary challenges presented by women, children and people with disabilities in the SDP?</p>	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: As a result of discrimination, women might face additional barriers in acquiring relevant documentation, such as birth certificates or other identification documents that would be pertinent to establishing their nationality status... Children, especially unaccompanied children, 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 ...</p> <ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW: 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 	<p>There are special rules envisaged for (unaccompanied) minors. The application of an unaccompanied minor can be submitted through a representative of an NGO working to protect the rights of vulnerable groups or by another person designated as his/her representative by law. The application of a minor who is less than 14 years old is filed by his/her parents or guardians. The application of a minor who is between 14 and 18 years old is filed in the presence of his/her parents or guardians who shall express their consent by putting a signature on the application. In the case of minors who are less than 14 years old, the interview is conducted with their parents or guardians. When interviewing minors aged between 14 and 18 years, they are accompanied by their parents or guardians. In the case of minors, the minutes from the interview shall be signed/countersigned in accordance with Art. 15(7) of the Child Protection Act – that is, by a representative of the Social Assistance Directorate (social worker). The provisions of the Law on Child Protection in relation to conducting administrative proceedings with children are also applicable.</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 21c (In Bulgarian: 21в) 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>

					the right to nationality by women...		
IDP	3	d		Are decision makers presented with clear guidance on how to determine statelessness, including sources of evidence and procedures for evidence gathering to establish statelessness? Please provide details.	ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices ; determining authorities can benefit significantly from any 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.
IDP	4	a	Procedural Protections (SDP)	Is there free legal aid available during the application?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: applicants are to have access to legal counsel; where free legal assistance is available, it is to be offered to applicants without financial means. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: If state funded legal aid is available in the country it should be provided to stateless claimants. If there is no state funded legal aid... but asylum claimants can 	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 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	<p>National Legal Aid Bureau, “Information – Subcategories – Legal Aid”, https://www.nbpp.government.bg/en/informati-on (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>Law on Legal Aid, Article 22(1)(10), https://www.lex.bg/laws/ldoc/213551185 (B)</p>

					access legal aid free of charge, then the same level of access should be provided to stateless claimants.	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.	
IDP	4	b		Is an interview always offered (unless granting without interview)?	UNHCR (2014), Handbook on Protection of Stateless Persons : The right to an individual interview, and necessary assistance with translation/interpretation throughout the process, are 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)
IDP	4	c		Are interpreters provided for statelessness determination interviews? Are they free of charge?	ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices : assistance should be available for translation and interpretation in respect of written applications and interviews (good practice is free of charge).	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 his/her 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	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)

						for the actions taken and to clarify the rights of a person who does not speak Bulgarian.	
IDP	4	d		Are there quality assurance audits of the SDP? Does UNHCR participate in the proceedings? Can they access files? Do they play a quality monitoring or training role?	UNHCR (2014), Handbook on Protection of Stateless Persons : States are encouraged... to incorporate the following safeguards: [...] access to UNHCR is guaranteed. UNHCR (Good Practices Paper 6) : Quality assurance audits of SDPs are considered good practice.	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. Asked about further 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.
IDP	4	e		Are decisions (refusals and grants) given with reasons? And in writing?	UNHCR (2014), Handbook on Protection of Stateless Persons : States are encouraged, therefore, to incorporate the following safeguards: [...] 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)
IDP	4	f		Is there a referral mechanism if an individual has been refused asylum but may be stateless?	UNHCR (Good Practices Paper 6) : Efficient referral mechanisms should be established... officials who may be in contact with stateless persons need to be trained to identify potential applicants ...and refer them to appropriate channels. ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices : The regulation	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)

					should... guarantee that proper cross-referral systems exist for cases where the two determination procedures are not conducted in a joint framework...		
IDP	5	a	Protection during SDP	Does the applicant have automatic legal admission while their claim for stateless status is assessed? Is expulsion possible during the process? If yes, are there verified reports of expulsions?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: An individual awaiting a decision is entitled, at a minimum, to all rights based on jurisdiction or presence in the territory as well as “lawfully in” rights... inter alia, identity papers, the right to self-employment, freedom of movement and protection against expulsion... it is recommended that individuals... receive the same standards of treatment as asylum-seekers... ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: States should refrain from expelling or removing an individual from their territory pending the outcome of the determination process. 	<p>No, the applicant does not have automatic legal admission while their claim for stateless status is assessed. The law does not provide for such a right. Expulsion is possible during the process.</p> <p>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>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>
IDP	5	b		Do applicants for stateless status who are awaiting a decision have permission to work, if they have	UNHCR (2014), Handbook on Protection of Stateless Persons : Allowing individuals...to engage in wage-earning employment...may reduce the	If they have no other permission to stay in the country, applicants for stateless status who are awaiting a decision do not have a permission to work.	Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B)

				no other permission to stay in the country?	pressure on State resources and contributes to the dignity and self-sufficiency of the individuals concerned.		
IDP	5	c		Do applicants for stateless status with limited means have access to assistance to meet their basic needs (shelter and welfare support)? Please describe.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The status of those awaiting statelessness determination must also reflect applicable human rights such as... assistance to meet basic needs. 	If the applicant already has lawful residence, he/she 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, he/she cannot apply for social assistance.	Law on Social Assistance, Article 2(6), https://lex.bg/bg/laws/ldoc/2134405633
IDP	5	d		Is it possible to detain an applicant while they are in the SDP?	UNHCR (2014), Handbook on Protection of Stateless Persons : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... Detention is therefore a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.	Yes, if the applicant has no other permission to stay in the country, the general rules on detention for the purpose of return might be applied to him/her. Furthermore, in December 2016 a new type of 'short-term' immigration detention (for up to 30 days) was introduced – its stated purpose according to the law is to conduct initial personal identification and to decide on the subsequent administrative measures to be taken.	Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B) Decision No. 812104-135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
IDP	5	e		Does law or policy set out a timeframe for the SDP? If so, is it complied with? Can the decision maker extend the timeframe?	UNHCR (Good Practices Paper 6) : Some of the most fundamental guarantees reflected in current State practice include: a time limit for a decision following submission of a statelessness status application.	The decision under the SDP shall be issued within 6 months from making the application. In case of legal or factual complexity the term may be extended for a further period of 2 months. The implementing rules on the application of the SDP in Bulgaria are in force since 27 June 2017. It is too early to assess whether the timeframe is generally complied	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)

					<p>UNHCR (2014), Handbook on Protection of Stateless Persons: In general, it is undesirable for a first instance decision to be issued more than six months from the submission of an application... in exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months...</p>	<p>with. In the individual cases followed by FAR, the timeframe has not been complied with and we have interpreted this as 'silent rejection' of the application. According to the Code on Administrative Procedure, there is a silent rejection when the administrative authority does not issue a decision within the timeframe set in law and has not informed the applicant of an extension of that timeframe. In such cases the silent rejection might be appealed within one month from the date by which the decision should have been taken. In case of failure to appeal within that one-month 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."</p>	<p>Response by the UNHCR Representation in Bulgaria.</p>
IDP	6	a	Appeals (SDP)	Is there an automatic right of appeal in the case of refusal (on grounds of both law and fact)?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<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>	<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>
IDP	6	b		Is legal aid available for appealing/appliyng to review a negative determination?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: The applicant is to have access to legal counsel and, where free legal assistance is available, it is to be offered to applicants without financial means.</p> <p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of</p>	<p>Legal aid for appealing a negative statelessness determination is explicitly envisaged in the newly introduced provision of Article 22(1)(10), of the Law on Legal Aid (State Gazette No.97 of 6 December 2016). Currently FAR has a partnership agreement with ENS for provision of free legal aid in cases of strategic importance for social justice. The Bulgarian Helsinki Committee, through funding from UNHCR, also provides legal assistance and counselling, including to stateless persons and those at risk of statelessness</p>	<p>Law on Legal Aid, Article 22(1)(10), https://www.lex.bg/laws/ldoc/2135511185 (B)</p> <p>Response by UNHCR Representation in Bulgaria.</p>

					good practices : Applicants are to have access to legal counsel both at first instance and upon appeal.		
IDP	6	c		Is there a fee for the appeal application?	UNHCR (2014), Handbook on Protection of Stateless Persons : An effective right to appeal against a negative first instance decision is an essential safeguard.	Yes. The fee is 10 BGN (5 EUR at Feb 2019) for submission of an appeal to the respective administrative court. If the person doesn't have financial means to pay the fee, he or she could apply for a fee waiver before the court. It is noteworthy, that a significant increase in the fees to appeal before the court is currently under an adoption procedure by the Bulgarian parliament.	Tariff No 1 to the Law on State Fees, Fees Collected by the Courts, the Prosecutor's Office, the Investigation Service and the Ministry of Justice, section A – 2b, https://lex.bg/laws/ldoc/-14643200 (B) Civil Procedure Code, Article 83(2), https://www.lex.bg/laws/ldoc/2135558368 (B) Administrative Procedure Code, Article 144, https://www.lex.bg/laws/ldoc/2135521015 (B)
IDP	6	d		Is there evidence of significant errors in decision making? If so, is there a publicly available source (e.g. audits, independent reports, academic research etc.)? If yes, please provide this. If anecdotal, please describe.		So far there are no publications on the topic.	
IDP	7	a	Stateless Status (SDP)	Does recognition of statelessness result in permission to stay/legal status? Is status granted immediately or automatically upon recognition	UNHCR (2014), Handbook on Protection of Stateless Persons : The 1954 Convention ...[grants] stateless persons a core set of rights. Its provisions, along with applicable standards of international human rights law, establish the minimum	No. The law in Bulgaria is written in a way that only already lawfully residing persons can obtain stateless status. Thus, according to Article 21e(2) LFRB, 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;	Law on the Foreign Nationals in the Republic of Bulgaria, Article 21e(2) and Article 21i, https://lex.bg/bg/laws/ldoc/2134455296 (B)

				or identification as stateless?	<p>rights and the obligations of stateless persons in States party to the 1954 Convention. The status granted to a stateless person in a State Party... must reflect these 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...</p>	<p>2. resides illegally on the territory of the Republic of Bulgaria as of the date of submission of the application; 3. has resided lawfully and without interruption on the territory of the Republic of Bulgaria for less than 5 years.”</p> <p>Furthermore, applicants are required to present evidence of lawful stay for at least 5 years upon submitting the application. The law says 'may' regarding the exclusion and it seems that the authorities have the discretion to grant stateless status, even if the person has not resided lawfully. However, if this person gets status, he/she would not be able to obtain a travel document, which is the only ID document proving lawful stay envisaged for stateless persons. 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.</p>	
	7	b		Are there additional requirements beyond meeting the definition of a stateless person and satisfying the exclusion provisions that a stateless person must meet to be granted permission to stay/legal status?	As above.	<p>Besides the SDP introduced in Bulgarian law in December 2016, there is one possibility for a limited category of stateless persons to obtain a residence permit under the LFRB. As well as being stateless, the persons have to meet the following cumulative conditions:</p> <ol style="list-style-type: none"> 1. born in Bulgaria or entered the country prior to 27 December 1998; 2. stayed in Bulgaria ever since and not left the country; 3. from a former Soviet republic and not recognised as a citizen by any of those republics. <p>This is a regularisation mechanism for a narrow category of undocumented stateless persons in Bulgaria that was introduced in 2011.</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 25(1)(12), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>FAR and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 13, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>

IDP	7	c		How long is initial status? Is residence status renewable?	UNHCR (2014), Handbook on Protection of Stateless Persons : It is recommended that States grant persons recognised as stateless a residence permit valid for at least two years, although permits for a longer duration, such as five years, are preferable in the interests of stability. Such permits are to be renewable, providing the possibility of facilitated naturalisation...	The validity of the travel document of a stateless person is from 3 months to up to 2 years. It is renewable. The law does not refer to a period of validity of the status itself.	Law on Bulgarian Identity Documents, Article 59(1)(8), https://www.lex.bg/laws/ldoc/2134424576 (B)
IDP	7	d		Is a travel document issued to those recognised as stateless?	UN Convention Relating to the Status of Stateless Persons, 1954 , Art. 28: The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory...	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)
IDP	7	e		What are the family reunion provisions for individuals recognised as stateless?	UNHCR (2014), Handbook on Protection of Stateless Persons : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunion of those with recognised stateless status in their territory with their spouses and dependents. Indeed, some States have obligations arising under relevant international or regional human rights treaties to do so.	In Bulgarian law there are no family reunion provisions that specifically concern individuals recognised as stateless. In case the stateless person is granted permanent residence or international protection, the family reunion provisions relevant for these categories of persons would apply.	Law on Foreign Nationals in the Republic of Bulgaria, https://lex.bg/bg/laws/ldoc/2134455296 (B)

IDP	7	f		Is residence status granted to stateless people revocable? If yes, on what grounds?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State... he or she will cease to be stateless in terms of the 1954 Convention. This may justify the cancellation of a residence permit obtained on the basis of statelessness status, although proportionality considerations in relation to acquired rights and factors arising under international human rights law, such as the degree to which the individual has established a private and family life in the State, need to be taken into account.</p>	Yes. 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)
IDP	7	g		Do people granted stateless status have permission to work?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: The Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, as regards the right to engage in wage-earning employment.</p> <p>UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an</p>	No, stateless status in itself does not 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 3 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.	<p>Law on Labour Migration and Labour Mobility, Article 9(1)(2) & (3), https://www.lex.bg/bg/laws/ldoc/2136803084 (B)</p> <p>Law on Asylum and Refugees, Article 29(3), https://lex.bg/bg/laws/ldoc/2135453184 (B)</p>

					individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, the right to work [...] must accompany a residence permit.		
IDP	7	h		Do people granted stateless status have access to primary education?	UN Convention Relating to the Status of Stateless Persons, 1954 : (Art. 22) The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to elementary education.	In Bulgaria, school education is mandatory for children under 16 years old. This means that children who are granted stateless status shall have access to primary education. However, there might be practical obstacles, if the child doesn’t have a residence permit, a registration card as an asylum seeker or an identity document as a beneficiary of international protection. In this case the child will not be able to receive a certificate or a diploma for the completed education.	Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.5, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf
IDP	7	i		Do people granted stateless status have access to secondary and higher education?	UN Convention Relating to the Status of Stateless Persons, 1954 : (Art. 22) The Contracting States shall accord to stateless persons treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the	There are no special rules concerning stateless persons and no explicit rights follow from the fact of being granted stateless status. Secondary education in state schools is free of charge for third-country nationals who have a continuous, long-term or permanent residence permit, as well as for asylum seekers and beneficiaries of international protection. With regard to higher education, third-country nationals have access as a general rule. Each university has its own admission rules. Third-country nationals might be required to pay higher tuition fees. If the stateless person doesn’t have an identity document, he/she will not have access to higher education. If the person doesn’t have a residence permit, a registration card as an asylum seeker or an identity document as a beneficiary of	Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p.5, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf Law on School and Pre-school Education, Article 9(2)(3)a&e, https://www.lex.bg/bg/laws/ldoc/2136641509 (B) Law on Higher Education, Article 95(8), https://lex.bg/bg/laws/ldoc/2133647361 (B)

					remission of fees and charges and the award of scholarships.	international protection, he/she will not be able to receive a certificate or a diploma for the completed education.	
IDP	7	j		Do people granted stateless status have access to social welfare and healthcare?	UN Convention Relating to the Status of Stateless Persons, 1954 : (Art. 23, 24) UNHCR (2014), Handbook on Protection of Stateless Persons : Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, 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 stateless status 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)
IDP	8	a	Access to citizenship (SDP)	Are stateless people able to naturalise as citizens? In what timeframe?	UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): The Contracting States shall as far as possible facilitate the	Yes. The Law on Bulgarian Citizenship provides that stateless persons are entitled to submit an application for Bulgarian citizenship after completing three years as holders of a permanent or long-term residence permit.	Law on Bulgarian Citizenship, Article 12 &14, https://www.lex.bg/laws/ldoc/2134446592 (B)

					<p>assimilation and naturalisation of stateless persons. They shall in particular make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings. UNHCR (Good Practices Paper 6): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. This may be achieved, e.g. by reducing or waiving residence, income and language requirements for applicants and by exempting them from fees or the obligation to provide documentary evidence.</p>		
IDP	8	b		<p>If stateless people can naturalise, are there accelerated naturalisation procedures (e.g. reduced qualification periods) which apply to stateless persons? If yes, please provide comparative timeframes for naturalisation in other situations.</p>	<p>UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): as above. UNHCR (Good Practices Paper 6): as above. ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules applied to those with a foreign nationality...</p>	<p>Yes. The Law on Bulgarian Citizenship provides that stateless persons are entitled to submit an application for Bulgarian citizenship 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 citizenship once she/he has completed five years as a holder of the residence permit.</p>	<p>Law on Bulgarian Citizenship, Article 12 & 14, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>

IDP	9	c		<p>Are previous criminal convictions a bar to naturalisation? If yes, please describe the requirement. Is there a good character clause (separate from criminal record requirement)? If yes, please describe.</p>	<p>Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: Each state should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory, and...: d) ensure that offences, when they are relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state. Human Rights Watch, Roma in the Czech Republic: Foreigners in their Own Land (1996): ... denying citizenship to previously convicted criminals effectively adds an additional, ex post facto punishment to the individual who committed a crime.</p>	<p>Yes. An applicant for Bulgarian citizenship shall not have been convicted of a premeditated crime of a general nature by a Bulgarian court and against him/her there shall be no criminal proceedings for such a crime, unless the applicant is rehabilitated.</p>	<p>Law on Bulgarian Citizenship, Article 12(1)(3) & Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>
IDP	9	d		<p>Is there a citizenship/integration test?</p>	<p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules ...</p>	<p>The candidate for Bulgarian citizenship shall have income or occupation, which gives him/her the opportunity to support himself/herself in the Republic of Bulgaria and shall know the Bulgarian language. The knowledge of the Bulgarian language is determined in accordance with an Ordinance of the Minister of Education.</p>	<p>Law on Bulgarian Citizenship, Article 12(1)(4) & (5) & Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>

IDP	9	e	Are there language requirement exemptions for stateless people?	<p>UNHCR (Good Practices Paper 6): It is...recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons...for example, by reducing or waiving residence, income and language requirements...and by exempting them from fees or the obligation to provide documentary evidence.</p> <p>Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: as above</p> <p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above.</p>	No, there are no language requirement exemptions for stateless people. An applicant for Bulgarian citizenship shall prove that she/he has knowledge of the Bulgarian language. The language exam to determine proficiency in the Bulgarian language is free of charge for all foreign nationals.	<p>Law on Bulgarian Citizenship, Article 12 & Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Centre for Assessment of Pre-School and School Education, http://www.ckoko.bg/page.php?c=24&d=19 (B)</p>
IDP	9	f	Are there income exemptions for stateless persons if a level of income is required for naturalization?	<p>UNHCR (Good Practices Paper 6): as above.</p>	No, there are no income exemptions for stateless persons.	<p>Law on Bulgarian Citizenship, Article 12 & Article 14, https://www.lex.bg/laws/ldoc/2134446592(B)</p>

Detention

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law?	<ul style="list-style-type: none"> • ICCPR Art 9 (1): Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. • ECHR Art 5 (1): Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: ... (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition. 	Yes. Immigration detention is provided for in the Law on Foreign Nationals in the Republic of Bulgaria (LFRB).	Law on Foreign Nationals in the Republic of Bulgaria, Article 44(6) & (13), https://lex.bg/bg/laws/ldoc/2134455296 (B)
DET	1	b		Does domestic law allow immigration detention for purposes other than those allowed under ECHR 5(1)(f)?	ECHR Art 5 (1)(f)	Yes. Besides immigration detention of persons against whom action is being taken with a view to return or expulsion (Article 44(6) LFRB), in December 2016 a new type of detention was introduced in Article 44(13), so-called 'short-term' detention lasting for up to thirty days. The purpose is to conduct initial establishment of identity and assess the subsequent administrative measures to be taken by the authorities.	Law on Foreign Nationals in the Republic of Bulgaria, Article 44(6) & (13), https://lex.bg/bg/laws/ldoc/2134455296 (B)

DET	1	c	Does a proposed country of removal need to be identified before a person is detained for the purpose of removal? Please describe the situation in law and in practice.	<p>ICCPR Art 7: Repeated attempts to expel a person ... to a country that is refusing to admit the individual in question could amount to inhuman or degrading treatment.</p> <p>ECHR Art 5 (1)(f)</p> <p>Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant.</p> <p>EU Returns Directive: Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence.</p> <p>ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once un-returnability is established, migrants should not be detained.</p>	<p>Neither in law nor in practice is the proposed country of removal identified before a person is detained for the purpose of removal. Both the removal and detention order state the country of citizenship of the person only. According to the answer of the Migration Directorate to a freedom of information request by FAR, the country of citizenship is stated based on the information acquired at the time of issuance of the orders. By amendment in the Law on Foreign Nationals as of December 2016, the return decision may concern either of the three options: return to "a country of origin", "a country of transit" or "a third country". However, the return orders only state the type of return, but not the concrete country applicable to the case. Previously the law referred to the return measure as "coercive taking to the border".</p>	<p>Law on the Foreign Nationals in the Republic of Bulgaria, Article 39a(1)(2)&(3); Article 44(6), https://lex.bg/bg/laws/ldoc/2134455296 (B)</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/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p> <p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>
DET	1	d	Is statelessness a juridically relevant fact in any decision to detain (in practice and in law)? If so, at what point(s) is a risk of statelessness	<p>Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above.</p> <p>Mikolenko v. Estonia, Application no. 10664/05, 8 October 2009 (ECtHR): Detention is justified as long as "deportation proceedings are being conducted" and these</p>	<p>National law does not explicitly require the authorities to take statelessness into account. When imposing the compulsory administrative measures, the competent authorities shall take into account "the duration of the residence of the foreigner in the Republic of Bulgaria, the categories of vulnerable persons, the existence of proceedings under the Law on Asylum and Refugees or proceedings for renewal of the</p>	<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/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>

				<p>identified? Is referral to an SDP possible within the detention regime?</p>	<p>proceedings must be carried out with due diligence... UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... the absence of status determination procedures to verify identity or nationality can lead to prolonged or indefinite detention. SDPs are therefore an important mechanism to reduce the risk of prolonged and/or arbitrary detention. Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 13 – states must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists, Migration and International Human Rights Law: a Practitioner's Guide 2014: the detention of stateless persons can never be justified when there is 'no active or realistic progress towards transfer to another State'.</p>	<p>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". Although it is currently uncertain how this would happen in practice, one could argue that a submission of an application under the SDP from a detention centre would be in compliance with the law. The law requires that the application is submitted in person at the Migration Directorate. The migrant detention centres are part of the Migration Directorate.</p>	<p>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>
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DET	1	e		Are stateless people detained in practice? Please provide figures and source of information if available.	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."	Decision No. 212164 - 54 of 21 June 2016 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria. Decision No.812104- 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives to detention have been exhausted?	UNHCR (2014), Handbook on Protection of Stateless Persons: Detention is therefore 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. EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process.	Yes, 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 an irregularly present migrant in Bulgaria.	Law on the Foreign Nationals in the Republic of Bulgaria, Article 44(5)&(6), https://lex.bg/bg/laws/ldoc/2134455296 (B) Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p.21 & 24, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf Bulgarian Helsinki Committee's synthesis report in their EPIM-funded project 'Free to Go: Detention as a last, not a first resort', http://www.bghelsinki.org/media/uploads/documents/reports/special/2016-10_Detention_mapping_report_2016_EN.pdf

DET	1	g		Are individual vulnerability assessments carried out before a decision to detain (or shortly thereafter), and are stateless persons defined as a vulnerable group?	<p>ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless persons are not understood and addressed... EU Returns Directive: Art 16(3) Particular attention shall be paid to the situation of vulnerable persons... Council of the European Union Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons 2013: European entities should assess the situation of LGBTI persons in detention...</p>	Article 44(2) LFRB requires the authority to carry out a vulnerability assessment. However, in practice despite recognition of different types of vulnerability by law, in the official statistics of the Ministry of Interior there are only five categories of vulnerable groups of detainees: minors under 14, minors over 14, elderly persons, ill persons and pregnant women. Stateless persons are not recognised as a vulnerable group under Bulgarian law, which has two legal definitions for vulnerable groups of foreigners. One is found in the Law on Asylum and Refugees whereby vulnerable persons are inter alia “minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation” (non-exhaustive list). The second legal definition that directly applies to immigration detainees is found in the Additional Provisions to the Law on Foreign Nationals ((1)(4)(b)): “[v]ulnerable persons are minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence”.	<p>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>Foundation for Access to Rights - FAR, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 25, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>
DET	2	a	Alternatives to immigration detention	Does the country have alternatives to detention which individuals	<p>ICCPR Art 9 FKAG v Australia (HRC): Any decision relating to detention must take into account less</p>	Yes, Bulgaria has alternatives to detention that shall, by law, be considered prior to detention: 1) weekly reporting;	Law on Foreign Nationals in the Republic of Bulgaria, Article 44(5), https://lex.bg/bg/laws/ldoc/2134455296 (B)

				<p>are considered for prior to any decision to detain? Are alternatives to detention established in law? Are they subject to a statutory time limit and proportionality test?</p>	<p>invasive means of achieving the same ends... UN General Assembly Resolution on the protection of migrants 63/184 2009: Calls upon all States ... to adopt, where applicable, alternative measures to detention. UNHCR (2014), Handbook on Protection of Stateless Persons: Detention...can only be justified where other less invasive or coercive measures have been considered and found insufficient... UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : alternatives to detention refers to any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement and since they can involve restrictions on movement of liberty they are bound by human right standards. Human Rights Council (HRC), Report of the Special Rapporteur on the human rights of migrants, François Crépeau (2012) A/HRC/20/24: Alternatives to detention should not become alternatives to</p>	<p>2) financial guarantee and 3) surrender of a valid passport or another travel document as a temporary pledge. The alternative measures could be applied together or separately. The financial guarantee and the temporary pledge of a travel document were introduced for the first time in the law with the amendments of December 2017. The LFRB does not provide for a statutory time limit for alternatives to detention nor a proportionality test.</p>	
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					<p>unconditional release [...] the obligation to always consider alternatives to detention (non-custodial measures) before resorting to detention should be established by law.</p> <p>Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: After a careful examination of the necessity of deprivation of liberty in each individual case, the authorities...have concluded that compliance with the removal order cannot be ensured as effectively by resorting to non-custodial measures ...</p> <p>EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: (31) ...states have an obligation in the first instance to consider and apply appropriate and viable alternatives to</p>		
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					<p>immigration detention that are less coercive and intrusive...</p> <ul style="list-style-type: none"> • International Detention Coalition (2015), There Are Alternatives: A handbook for preventing unnecessary immigration detention (revised edition): 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. 		
DET	2	b		<p>Is there evidence that immigration detention is used in practice prior to all alternatives being considered? Please cite relevant reports.</p>	<p>As above.</p>	<p>In 2016 the Foundation for Access to Rights (FAR) conducted two field studies, in which individual detainees were interviewed and their cases documented and analysed:</p> <p>1) "Protecting Stateless Persons from Arbitrary Detention in Bulgaria" concluded that <i>"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"</i>.</p> <p>2) "Analytical report on the exercise by detained immigrants of the right to be heard in Bulgaria" found that: <i>"...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</i></p>	<p>Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p. 24, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p> <p>FAR, Analytical report on the exercise by detained immigrants of the right to be heard in Bulgaria, Section III.1, http://hear.farbg.eu/evidence-collection/analytical-report/</p>

						<i>coercive alternatives nor an explanation why such alternatives would not be effective."</i>	
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p>UN Human Rights Council (HRC) (2010), Report of the UN Working Group on Arbitrary Detention to the Human Rights Council, 13th Session, A/HRC/13/30: a maximum period of detention must be established by law and upon expiry ...the detainee must be automatically released.</p> <p>UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : to guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>EU Returns Directive: Art 15(5) Each Member State shall set a limited period of detention ...</p> <p>ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: It is desirable that states clearly specify a reasonable maximum time limit.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 39: Detention should always be for the shortest time possible.</p> <p>There should be a reasonable</p>	Yes. The maximum period for immigration detention for the purpose of removal is 18 months. The maximum period for the so called "short-term" detention is 30 calendar days.	Law on the Foreign Nationals in the Republic of Bulgaria, Article 44(8)&(13), https://lex.bg/bg/laws/ldoc/2134455296 (B)

					maximum time-limit for detention...		
DET	3	b		Does law/policy provide that individuals must be informed in writing of the reasons for immigration detention? 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>UN General Assembly (UNGA) (1988), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Resolution A/RES/43/173: Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.</p> <p>EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37: Stateless detainees shall receive their order of detention in writing and in a language they understand, and this must outline the reasons for their detention... Detainees must be informed of their rights...</p> <p>International Commission of Jurists (ICJ) (2014), Migration and International Human Rights Law: a Practitioner's Guide (updated edition): The authorities are required to ...ensure that sufficient information is available to detained persons in a language they understand, regarding the</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: <i>"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"</i>. 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 will be aired in the detention centres in the country.</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>Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.</p>

					nature of their detention, the reasons for it, the process for reviewing or challenging the decision to detain.		
DET	3	c		Are there regular periodic reviews of the necessity for the continuation of detention before a court or an independent body? If yes, are detainees released when it becomes evident that their removal will not be possible within a reasonable time?	<p>EU Returns Directive: Any detention shall ... only be maintained as long as removal arrangements are in progress and executed with due diligence.</p> <p>Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant... the length of the detention should not exceed that reasonably required for the purpose pursued.</p> <p>Kim v Russia [2014] Application no 44260/13 (ECtHR): The purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure...</p> <p>A. v. Australia, CCPR/C/59/D/560/1993, (HRC): Decisions to detain should be open to review periodically...</p> <p>Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatrehnraboti [2009] Case C-357/09 (ECJ): There must, at the</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 Auad v Bulgaria, the applicant was a stateless person who spent 18 months in detention. The Court concluded that the Bulgarian authorities could <i>"hardly be regarded as having taken active and diligent steps"</i> in relation to the deportation of the detainee. In its 2016 study FAR found that: <i>"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"</i> . 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 <i>"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"</i> . The maximum period for initial	<p>Law on Foreign Nationals in the Republic of Bulgaria, Article 44(8), https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Auad v Bulgaria (2011) Application no 46390/10 (ECtHR)</p> <p>Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p.21 & 23, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>

					<p>time of the national Court's review of the lawfulness of detention, be a real prospect that the removal can be carried out successfully.</p> <p>Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: Detention pending removal shall be justified only for as long as removal arrangements are in progress.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 41: To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.</p>	<p>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>	
DET	3	d		<p>What remedies are available to an individual to challenge detention? How often can these be invoked? Are there any obstacles in practice?</p>	<p>ICCPR Art 9(4): Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court...</p> <p>ECHR: Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court....</p> <p>Kim v Russia [2014] Application no 44260/13 (ECtHR): the</p>	<p>The detainee is entitled to submit an appeal against the detention order within 14 days from the date of detention. A significant hurdle to accessing judicial review is that the period for exercising the right to appeal starts from the moment the person is detained, not from the moment they are notified about the order. The next obstacle is that the detention order is in Bulgarian and people often sign the orders without knowing the remedies against detention. Another obstacle is that detainees have to find and engage a lawyer by themselves. Although in 2013 the law was amended to</p>	<p>Law on Foreign Nationals in the Republic of Bulgaria, Article 46a, https://lex.bg/bg/laws/ldoc/2134455296 (B)</p> <p>Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p.21, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>

					purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure...	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".	
DET	3	e		Are there rules/guidance in place that govern the process of re-documentation and/or ascertaining entitlement to nationality for the purpose of removal? Do these articulate the respective roles that state and individual are expected to play? Are there time limits clearly set out? Are the outcomes considered relevant for subsequent determination of statelessness?	<p>Aquad v Bulgaria [2011] Application no 46390/10 (ECtHR): The only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant.</p> <p>Equal Rights Trust (ERT) (2012). Guidelines to Protect Stateless Persons from Arbitrary Detention: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality...</p> <p>ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once un-returnability is established, migrants should not be detained.</p>	In the national legislation there is no such guidance. Miscellaneous rules that might be relevant to the issue could be found in readmission agreements. FAR asked the question in a freedom of information request addressed to the Ministry of the Interior. The Migration Directorate replied that these rules are "those established in the law" without further explanation.	Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria

DET	3	f		Is free legal aid available to challenge detention? Are there any barriers to accessing this in practice?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p>EU Returns Directive: Art 13(3) The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance.</p>	The law provides for a right to state-funded legal aid to challenge immigration detention. In practice, access to the possibilities under the law is still hampered by bureaucratic obstacles such as cumbersome procedures for granting legal aid, language barriers, low awareness of the rights of stateless persons, lack of expertise, etc. These obstacles could be overcome by raising awareness among immigration detainees, the authorities and the lawyers at the National Legal Aid Bureau on the available rights and obligations of immigration detainees.	<p>Law on Legal Aid, Article 22(1)(9), https://www.lex.bg/laws/ldoc/2135511185</p> <p>Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p.21, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf</p>
DET	4	a	Protections on release	Are those released from detention issued with any identification, including confirmation of their stateless status, and thus protected from arbitrary re-detention?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Art 27</p> <p>UNHCR (2014), Handbook on Protection of Stateless Persons: ...being undocumented or lacking the necessary immigration permits cannot be used as a general justification for detention...</p> <p>ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: ...state parties to the 1954 Convention have an obligation to provide stay rights to stateless persons who have been released from detention.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guidelines 55 & 56: Released stateless detainees should be provided with</p>	No, detainees are released without identity documents, which increases the risk of re-detention. In a 2016 study by FAR: " <i>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 citizenship. She was not provided with identity documents. In 2014 the shelters of the NCTHB were temporarily closed and the stateless lady was again detained in the Bousmantsi detention centre.</i> "	Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p. 27, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf

					appropriate documentation and stay rights suitable to their situation.		
DET	4	b		If the purpose of detention cannot be fulfilled (e.g. removal) and the person is released, what legal status is provided to them by law? Can they access social security accommodation, education and healthcare? Do they have the right to work?	Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshnite raboti [2009] Case C-357/09 (ECJ) : Article 15(4) and (6) of the Directive should be interpreted as requiring that after the maximum period of detention has expired, the person must be released immediately... the individual's lack of valid documentation, his/her inability to support him/herself or his/her "aggressive conduct" should not be a deterrent to his/her release. Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention : Guideline 55 as above.	No legal status is provided to former detainees. The Bulgarian law provides for no regularisation mechanism in such cases. The person continues to be an undocumented migrant without access to social security, accommodation, education and healthcare. Only in cases of expulsion orders issued on national security or public orders grounds, the LFRB states that the person shall be provided with access to the labour market if the expulsion was not implemented within one year.	Law on Foreign Nationals in the Republic of Bulgaria (LFRB), Article 44a(4), https://www.lex.bg/laws/ldoc/2134455296 (B) Foundation for Access to Rights - FAR, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", p.26 & 27, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf
DET	4	c		If re-detention does occur, is the cumulative time spent in detention counted towards any maximum time limits?	Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention : Guideline 40: When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	Yes, the courts count the cumulative time spent in detention towards the time limit of 18 months.	Law on Foreign Nationals in the Republic of Bulgaria, Article 44(8), https://lex.bg/bg/laws/ldoc/2134455296 (B)
DET	5	a	Readmission agreements	Is statelessness considered a juridically relevant fact in	UNHCR (2014), Handbook on Protection of Stateless Persons : Efforts to secure	There are provisions on readmission of stateless persons in the bilateral readmission agreements with Bosnia and Herzegovina, Albania, Macedonia, Armenia, Lebanon and	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

				any readmission and/or bilateral return agreements?	admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	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.	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. Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		In a freedom of information response, the General Directorate 'Border Police' replied that one stateless person was returned to another EU country based on possession of a residence permit and refugee status in that country.	Decision No. 812104 - 135 of 8 June 2018 to provide access to public information, Ministry of the Interior of the Republic of Bulgaria.

Prevention and Reduction

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? If yes, continue with PRS1b below. If no, proceed to PRS1j.	UN Convention on the Reduction of Statelessness, 1961 : A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless... European Convention on Nationality, 1997 : Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality... Convention on the Rights of the Child 1989 : The child shall have... the right to acquire a nationality... States Parties shall ensure the implementation of these rights...in particular where the child would otherwise be stateless... States Parties undertake to respect the right of the child to preserve his or her identity, including nationality... Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011	Yes. According to the law, a Bulgarian citizen by birth is every person born on the territory of the Republic of Bulgaria who does not acquire another citizenship by origin.	Law on Bulgarian Citizenship, Article 10, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	1	b		Is the provision for stateless children to access	UNHCR Guidelines on Statelessness #4 2012 : Article 1 of the 1961 Convention	The provision is automatic. Children acquire Bulgarian citizenship under Article 10 of the Law on Bulgarian citizenship <i>ex lege</i> .	Law on Bulgarian Citizenship, Article 10, https://www.lex.bg/laws/ldoc/2134446592 (B)

				<p>nationality automatic or non-automatic (i.e. by application)?</p>	<p>provides Contracting States with two alternatives ...for granting nationality to children who would otherwise be stateless born in their territory...either...automatic acquisition ...upon birth pursuant to Article 1(1)(a), or ...upon application pursuant to Article 1(1)(b) ...</p> <p>ENS (2015), No Child Should Be Stateless: Article 1 of the 1961 Convention and article 6(2) of the ECN ... oblige the conferral of nationality to children born on the territory if they would otherwise be stateless ... The ...optimal method ...is to grant nationality to otherwise stateless children automatically, at birth.</p>		
PRS	1	c		<p>Is it a requirement that the parents are also stateless for the child to acquire the nationality of the host state?</p>	<p>UNHCR Guidelines on Statelessness #4 2012: The test is whether a child is stateless because he or she acquires neither the nationality of his or her parents nor that of the State of his or her birth; it is not an inquiry into whether a child's parents are stateless.</p> <p>ENS (2015), No Child Should Be Stateless: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the child's parent(s) do hold a</p>	<p>No. According to the law, a Bulgarian citizen by birth is every person born on the territory of the Republic of Bulgaria who does not acquire another citizenship by origin. This might be the case when the parents are stateless, but also the case when the parents' country of citizenship applies only <i>jus soli</i> (that is, if the child is not born in the country of his/her parents, the child does not receive their citizenship).</p>	<p>Law on Bulgarian Citizenship, Article 10, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Judgement No 1424 of 04.08.2017, case No 1102/2017, Plovdiv Administrative Court</p>

					nationality themselves, but are unable to pass this on...		
PRS	1	d		Are children born stateless required to prove they cannot access another nationality to acquire nationality of the country of birth? If yes, please describe the requirement e.g. what is the standard and burden of proof, and how this is determined in practice?	<p>UNHCR Guidelines on Statelessness #4 2012: A Contracting State to the 1961 Convention 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 where this conflicts with the interpretation applied by the State concerned... the burden of proof must be shared between the claimant and the authorities... decision makers need to take into account Articles 3 and 7 of the CRC and adopt an appropriate standard of proof... Special procedural considerations to address the acute challenges faced by children... in communicating basic facts with respect to their nationality are to be respected.</p>	<p>Yes. Children are required to prove that they do not acquire another citizenship 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 Citizenship, Article 10 & Article 11, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Judgement No 1424 of 04.08.2017, case No 1102/2017, Plovdiv Administrative Court, http://www.admispv.bg/spravki/dela/SD/0161d817/10262017.htm (B)</p>

PRS	1	e		<p>Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?</p>	<p>UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: ...b) that the person concerned has habitually resided in the territory ... for such period...not exceeding five years immediately preceding the ... application nor ten years in all. UNHCR Guidelines on Statelessness #4 2012: States may stipulate that an individual who would otherwise be stateless born in its territory fulfils a period of “habitual residence”. This period is not to exceed five years immediately preceding an application nor ten years in all...The term “habitual residence” is ...to be understood as stable, factual residence. It does not imply a legal or formal residence requirement. Convention on the Rights of the Child 1989: Arts 3 & 7 Committee on the Rights of the Child, Concluding observations on the 4th periodic report of the Netherlands CRC/C/NDL/CO/4, 2015: The Committee recommends that</p>	<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 he/she didn't acquire any other citizenship by origin, the child should be considered as a Bulgarian citizen <i>ex lege</i>. In that case the child is not required to fulfil a period of residence to be granted nationality.</p>	<p>Law on Bulgarian Citizenship, Article 14, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Judgement No 1424 of 04.08.2017, case No 1102 / 2017, Plovdiv Administrative Court, http://www.admspvt.bg/spravki/dela/SD/0161d817/10262017.htm (B)</p>
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					<p>the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions.</p> <p>European Convention on Nationality, 1997: Article 6 (2)(b) ... Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years....</p>		
PRS	1	f		<p>Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?</p>	<p>Committee on the Rights of the Child, Concluding Observations Czech Republic CRC/C/CZE/CO/3-4, 2011: The outcome of an application...by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State...</p> <p>ENS (2015), No Child Should Be Stateless: Demanding that the child or his/her parents reside lawfully on the territory is... prohibited by the 1961 Convention....</p>	<p>In the case of stateless children who acquire Bulgarian citizenship 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 citizenship if their parents have acquired Bulgarian citizenship. If one of their parents is deceased, only the living parent must acquire Bulgarian citizenship.</p>	<p>Law on Bulgarian Citizenship, Article 17, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>
PRS	1	g		<p>What are the age limits, if any, for making an application for nationality for a stateless person born on the territory?</p>	<p>UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions:</p> <p>(a) that the application is lodged during a period...</p>	<p>There are no age or time limits to acquire Bulgarian citizenship by place of birth according to Article 10 of the Law on Bulgarian Citizenship.</p>	<p>Law on Bulgarian Citizenship, Articles 10 & 11, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>

					<p>beginning not later than at the age of 18 years and ending not earlier than at the age of 21 years...</p> <p>UNHCR Guidelines on Statelessness #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...</p> <p>ENS (2015), No Child Should Be Stateless: ...any application procedure which only becomes available in late childhood or even upon reaching majority is particularly problematic [...] 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>		
PRS	1	h		Are there specific provisions for the nationality of children born to beneficiaries of international protection?	<p>UNHCR Guidelines on Statelessness #4 2012: Some children are born to refugee parents who are themselves stateless or cannot acquire the nationality of their parents owing to restrictions on transmission of nationality to children born abroad. Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very</p>	No.	<p>Law on Bulgarian Citizenship, https://www.lex.bg/laws/ldoc/2134446592 (B)</p>

					nature of refugee status which precludes refugee parents from contacting their consular authorities.		
PRS	2	a	Foundlings	Are foundlings granted citizenship by law? If it's not automatic, is there an application procedure?	UN Convention on the Reduction of Statelessness, 1961 : A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State. European Convention on Nationality, 1997 : Each State Party shall provide in its internal law for its nationality to be acquired ex lege by the following persons: [...] b) foundlings found in its territory who would otherwise be stateless.	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 citizenship by law.	Law on Bulgarian Citizenship, Article 11, https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	2	b		If yes, is there an age limit (or status e.g. 'newborn') specified for foundlings to be granted citizenship? If not, when would a child usually	UNHCR Guidelines on Statelessness #4 2012 : At a minimum, the safeguard ... is to apply to all young children who are not yet able to communicate accurately information pertaining to 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 he/she is found on the territory of the Republic of Bulgaria and it is established that his/her parents are unknown.	Law on Bulgarian Citizenship, Article 11, https://www.lex.bg/laws/ldoc/2134446592 (B)

				qualify in practice?			
PRS	2	c		Can citizenship be withdrawn from foundlings if parents are identified even if this leads to statelessness?	UNHCR Guidelines on Statelessness #4 2012: Nationality acquired by foundlings... may only be lost if it is proven that the child concerned possesses another State's nationality.	No. Bulgarian citizenship can be withdrawn only in cases of naturalisation. Foundlings are considered to be Bulgarian citizens by birth.	Law on Bulgarian Citizenship, Article 22 https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961: If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status of a person such as...adoption, such loss shall be conditional upon possession or acquisition of another nationality. ENS (2015), No Child Should Be Stateless: ...the "sending" state in a situation of inter-country adoption may be a non-European one, so even if Europe's nationality laws were all in alignment with international standards, children may be exposed to a (temporary) risk of statelessness during the adoption process.	No. The general rule is that the adoption does not change the nationality of the adopted person.	Law on Bulgarian Citizenship, Article 6, https://www.lex.bg/laws/ldoc/2134446592 (B)

PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Is there a risk of statelessness during the adoption process? Are there any age limits?	European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: ...ensure that a child adopted from abroad 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 citizenship in case of full adoption. The child is exempted from the general requirements for naturalisation. Children under 14 can become Bulgarian citizens upon the written consent of the adoptive parents (or of the surviving adoptive parent). Consent by a parent who has lost his/her parental rights shall not be required. Under the same conditions, children from 14 to 18 years of age can acquire Bulgarian citizenship, if they apply for it.	Law on Bulgarian Citizenship, Article 6 & Article 18(2), https://www.lex.bg/laws/ldoc/2134446592 (B)
PRS	4	a	Ius sanguinis and discrimination	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>)? Are there any conditions? Are these conditions discriminatory? (see below if child would otherwise be stateless)	UN Convention on the Reduction of Statelessness, 1961: Art 4 UNHCR Guidelines on Statelessness #4 2012: ...where a child who would otherwise be stateless is born in a Contracting State 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... Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011: the impact of denial of citizenship on the applicant's social identity was	Yes. A child is a Bulgarian citizen by origin, if at least one of his/her parents is a Bulgarian citizen. The Constitution states that: "A Bulgarian citizen shall be anyone born of at least one parent holding a Bulgarian citizenship". The only condition is to have at least one parent who is Bulgarian citizen.	Law on Bulgarian Citizenship, Article 8, https://www.lex.bg/laws/ldoc/2134446592 (B) Constitution of the Republic of Bulgaria, Article 25(1), http://www.parliament.bg/en/const

					<p>such as to bring it within the general scope and ambit of Article 8... the state ... must ensure that the right is secured without discrimination...</p> <p>Convention on the Elimination of all Forms of Discrimination Against Women, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, November 2014</p> <p>UNHCR Global Action Plan to End Statelessness 2014-24: Action 4</p> <p>Fighting statelessness and discriminatory nationality law in Europe, Laura van Waas, 2012</p>		
PRS	4	b		Can children born to nationals outside the country access nationality by descent (<i>ius sanguinis</i>) if they would otherwise be stateless? Are there any conditions? Are these conditions discriminatory?	<p>UNHCR Guidelines on Statelessness #4 2012: ... where children of a national of a Contracting State who would otherwise be stateless are born in a non-Contracting State... the Contracting State of the parents [is required] to grant its nationality to the child (or children) of its nationals born abroad...</p>	<p>Yes. A child is a Bulgarian citizen by origin, if at least one of his/her parents is a Bulgarian citizen. The Constitution states that: “A <i>Bulgarian citizen shall be anyone born of at least one parent holding a Bulgarian citizenship</i>”. The only condition is to have at least one parent who is Bulgarian citizen.</p>	<p>Law on Bulgarian Citizenship, Article 8, https://www.lex.bg/laws/ldoc/2134446592 (B)</p> <p>Constitution of the Republic of Bulgaria, Article 25(1), http://www.parliament.bg/en/const</p>
PRS	5	a	Access to birth registration	Does the law provide that all children are registered immediately upon	<p>Convention on the Rights of the Child 1989: The child shall be registered immediately after birth and shall have the right from birth to a name</p>	<p>Yes. By law a birth certificate shall be issued within 7 days of the birth, on the basis of a written notification by the competent medical entity. By law, the following data about the parents is recorded in the birth</p>	<p>Law on Civil Registration, Article 42(1) & Article 45(1)(9), https://www.lex.bg/laws/ldoc/2134673409 (B)</p>

				<p>birth? Can children be registered if parents are undocumented and/or not legally residing in the country (by law)?</p>	<p>[and] the right to acquire a nationality... International Covenant on Civil and Political Rights 1966: Art 24(2) Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children UNHCR Guidelines on Statelessness #4 2012: ... registration of the birth provides proof of descent and of place of birth and therefore underpins implementation of the 1961 Convention...Article 7 CRC ...applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 UN Sustainable Development Goal 16 UN Human Rights Council, Resolution A/HRC/RES/20/4: ... ensure free birth registration, including free or low-fee late birth registration, for every child...irrespective of his or her immigration status and that of his or her parents or family members...</p>	<p>certificate: names, date of birth, personal identification number and citizenship. In practice, if the parents are undocumented, they do not have a personal identification number but only the date of birth is recorded.</p>	
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PRS	5	b		Are there credible reports to suggest that children are prevented from registering in practice because of parents' status?	As above	No, there are no such reports.	
PRS	5	c		Are there mandatory reporting requirements for authorities which would deter undocumented parents coming forward to register their children (e.g. health authorities required to report undocumented migrants)?	<p>UNICEF, Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration, 2012: While there is generally a separation between civil registries and immigration enforcement, undocumented parents may also fear detection, particularly in countries where civil servants have a duty to report undocumented migrants...</p> <p>PICUM, Rights of Accompanied Children in an Irregular Situation, 2011: Certain barriers that prevent access to basic rights for children in an irregular migration situation arise across the registry, health, education and housing sectors. National legislation is often...contradicted by other rules and practices, such as the duty to denounce ...</p>	No. There are no such mandatory reporting requirements in law. However, the health authorities may decide to report to the authorities that the parents are undocumented migrants.	Law on Civil Registration, https://www.lex.bg/laws/ldoc/2134673409 (B)

PRS	6	a	Late Birth Registration	Is there a statutory deadline before which birth registration should be completed? If yes, what is it? Is late birth registration possible by law?	<p>UNHCR Global Action Plan to End Statelessness 2014-24: Low levels of birth registration can be difficult to correct subsequently because procedures for late birth registration have not been established or are lengthy, costly and complex and therefore inaccessible ...</p> <p>UN Human Rights Council, Resolution A/HRC/RES/20/4 Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children ENS (2015), No Child Should Be Stateless: One of the ways in which states have sought to deal with an intergenerational lack of documentation is by simplifying the procedures for the late registration of births, making it easier for adults who do not have a birth certificate to acquire one, which can subsequently be used to register their own children's births...</p>	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)
PRS	6	b		Is late birth registration possible in practice?	As above	Yes. For example, in the case of a child born in Bulgaria to a stateless father and mother citizen 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 citizenship since the	<p>Law on Civil Registration, Article 42(1) & Article 44, https://www.lex.bg/laws/ldoc/2134673409 (B)</p> <p>Judgement of the Sofia Regional Court of 07.03.2012, case No. 14912/2011</p>

						child acquires this citizenship by origin in accordance with Article 10 of the Law on Bulgarian Citizenship.	
PRS	6	c		Are there any additional requirements (e.g. fee) for the late birth registration procedure? Are these problematic or do they cause lengthy delays?	UN Human Rights Council, Resolution A/HRC/RES/20/4	The only additional requirement might be the court case, which should be initiated either by 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) Judgement of the Sofia Regional Court of 07.03.2012, case No. 14912/2011
PRS	7	a	Reduction	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: Action 7 Council of Europe, 3rd European Conference on Nationality, 11-12 October 2004 : Taken together Art 7 & 8 ECHR should be understood to encourage States Parties not only to take positive steps to avoid statelessness – including the promotion of birth registration – but also to grant citizenship to children who would otherwise be stateless...	No.	
PRS	7	b		Are there sections of the population believed to be stateless/at risk of statelessness? Are minorities disproportionately affected? Please provide details and source of information.	UN Convention on the Reduction of Statelessness, 1961 Article 9 UNHCR Global Action Plan to End Statelessness 2014-24: Action 4	In some cases, non-removable undocumented immigrants in Bulgaria for whom there is no regularisation mechanism are stateless or at risk of statelessness.	Foundation for Access to Rights - FAR and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 13, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf

PRS	7	c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR Global Action Plan to End Statelessness 2014-24: Action 1, Action 8 UNHCR, Good Practices Paper - Action 1: Resolving Existing Major Situations of Statelessness, 2015	No.	
PRS	8	a	Withdrawal of nationality	Are there any provisions on loss and/or deprivation of nationality? If yes, are these established in law? If not, where can they be found? Do any loss/deprivation provisions allow for statelessness? If there is a safeguard against statelessness, is it applied in practice?	UN Convention on the Reduction of Statelessness, 1961 : Article 8: A contracting state shall not deprive a person of its nationality if such deprivation would render him stateless. European Convention on Nationality, 1997 : Article 7(3): A State party may not provide in its internal law for the loss of its nationality...if the person concerned would thereby become stateless... Universal Declaration of Human Rights : Article 15(2) No one shall be arbitrarily deprived of his nationality ...	Yes, in the Law on Bulgarian Citizenship there are provisions on release of Bulgarian citizenship (Articles 20 and 21), revocation of naturalisation (Articles 22 and 23) and deprivation of Bulgarian citizenship (Articles 24 and 25). According to the explicit wording in the law, revocation of naturalisation and deprivation of citizenship is admissible, only provided that the person does not remain stateless. There are no loss/deprivation provisions that allow for statelessness.	Law on Bulgarian Citizenship, Articles 20–25, https://www.lex.bg/laws/ldoc/2134446592 (B)

PRS	8	b		Who is the competent authority in any procedure for ordering deprivation of nationality? What procedural guarantees are there? (e.g. judicial oversight, time limit, subject to prior sentencing, appeal rights, legal aid)	UN Convention on the Reduction of Statelessness, 1961 : Article 8(4): A contracting state shall not exercise a power of deprivation...except in accordance with the law, which shall provide for ...the right to a fair hearing by a court or other independent body. European Convention on Nationality, 1997 : Article 11: Each state party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing...	The competent authority in the procedures for release of Bulgarian citizenship, revocation of naturalisation and deprivation of citizenship is the President of the Republic of Bulgaria. The President has delegated these powers to the Vice-President of the Republic. A person cannot appeal in court the decree of the President/or the Vice President.	Law on Bulgarian Citizenship, Article 36, https://www.lex.bg/laws/ldoc/2134446592 (B) Administration of the President of the Republic of Bulgaria, Report on the Activity of the Commission for Bulgarian Citizenship and Bulgarians Abroad for the Period January 22, 2012 - January 18, 2017, p. 1, https://www.president.bg/docs/1484820446.pdf (B)
PRS	8	c		Are withdrawal provisions (both for loss and deprivation) applied in practice?		Yes. In the period from 22 January 2012 to 18 January 2017, the Vice President of the Republic of Bulgaria issued decrees for release from Bulgarian citizenship of 1062 persons and for revocation of naturalisation for 103 persons.	Administration of the President of the Republic of Bulgaria, Report on the Activity of the Commission for Bulgarian Citizenship and Bulgarians Abroad for the Period January 22, 2012 - January 18, 2017, p. 5, https://www.president.bg/docs/1484820446.pdf (B)

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms/Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		There are no statistics available. The courts in Bulgaria do not provide such data upon freedom of information requests. The courts in Bulgaria do not declare statelessness but have powers to review the lawfulness of the decisions of the Migration Directorate. The court has adjudicated on the competent authority to examine applications by stateless persons in the period when Bulgaria had acceded to the 1954 Convention but had not yet introduced a statelessness determination procedure in the national law.	Ruling No 843 of 22.01.2018, case No. 11998/2017, Supreme Administrative Court; Judgment No 668 of 6 February 2018, case No 8798/2016, Sofia City Administrative Court Foundation for Access to Rights – FAR and ENS, “Protecting Stateless Persons from Arbitrary Detention in Bulgaria”, p. 15, http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.		It is not possible to provide the exact number of published judgements mentioning statelessness. All judgements mentioning statelessness are not published in the professional paid legal information systems. They are published on the websites of the respective administrative courts, where in most cases one cannot search using key words. A search in the Judgements Portal delivers a technical error message.	Judgements Portal https://legalacts.justice.bg/ (B)
LIT	2	a	Legal training	Is there judicial training on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR (Good Practices Paper 6) : 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 Expert Meeting, Statelessness Determination	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	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

					<p>Procedures and the Status of Stateless Persons 2010: It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p>	<p>conducting trainings for judges on the subjects of stateless persons and the statelessness determination procedure, adopted with the amendments of the Law on Foreign Nationals in the Republic of Bulgaria, SG. 97 of 2016, we inform you the following: The above-mentioned topics are included in the trainings of the National Institute of Justice on refugee law and the implementation of the Law on Foreigners in the Republic of Bulgaria. Since 2014 the National Institute of Justice conducts trainings jointly with the European Asylum Support Office in pursuance of the EASO Special Support Program signed between the Ministry of the Interior of the Republic of Bulgaria and EASO. The National Institute of Justice is a beneficiary of this plan as an institution training Bulgarian magistrates. The trainings conducted have been attended by 100 magistrates, court clerks and experts, including 77 judges. The teaching teams are composed of international experts from the European Asylum Support Office 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</p>	
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						the protection granted (Qualification Directive)."	
LIT	2	b		Is there training for lawyers on statelessness? If yes, please describe.	UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010 : as above	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 FAR carried out a training on statelessness and prevention of arbitrary detention of stateless persons under a partnership agreement with ENS.	Law on the Bar, Article 28(1) https://www.lex.bg/index.php/laws/ldoc/2135486731 (B) Response from the Training Center "Krastiu Tsonchev" to Request No C -345 (In Bulgarian: Ц - 345), received by e-mail on 25.05.2018. FAR, Resources: Stateless Persons, http://www.farbg.eu/en/resources/topics/stateless-persons/
LIT	3	a	Pro Bono	Are there specialised lawyers, law firms or organisations providing free advice to stateless persons or those at risk of statelessness? If yes, please describe.	UNHCR (2014), Handbook on Protection of Stateless Persons : Applicants are to have access to legal counsel. UNHCR (Good Practices Paper 6) : Gives the example of Liverpool Law Clinic providing legal assistance to stateless clients in the UK.	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.	
LIT	4	a	Literature	Is there domestic academic literature on statelessness? If possible, 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.	Foundation for Access to Rights – FAR and ENS, "Protecting Stateless Persons from Arbitrary Detention in Bulgaria", http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention_Reports_Bulgaria_5.pdf Summary in Bulgarian: http://www.farbg.eu/wp-content/uploads/2016/07/1221_ENS_Detention

						<p>Reports Bulgaria BULGARIAN summary 2-1.pdf (B)</p> <p>Article by Dr.Valeria Ilareva, ENS blog: “Bulgaria is introducing a statelessness determination procedure. Or is it?”, September 2016</p> <p>Article by Dr.Valeria Ilareva, ENS blog: “Counting down the days in detention: the situation of stateless persons in Bulgaria”, 18 November 2016</p> <p>Tsankov, Veselin Hristov, Stateless Persons in the Republic of Bulgaria, Legal Aspects of the Problem, 2006 - article published in the magazine European Integration and Law (In Bulgarian: Цанков, Веселин Христов, - Лицата без гражданство в Република България - правни аспекти на проблема , 2006г. – статия в списание Европейска интеграция и право)</p> <p>Prof. Dr Veselin Hristov Tsankov, Comparative Analysis of the Possibilities of Accession to the 1954 Convention of the Statute of Statelessness and to the 1961 Convention on the Reduction of Statelessness, 2011 – published in Legal Collection (In Bulgarian: проф. д-р Веселин Христов Цанков, Сравнителен анализ на възможностите за присъединяване на Република България към Конвенцията на ООН за статута на лицата без гражданство от 1954г. и към Конвенцията на ООН за намаляване на случаите на лица без гражданство от 1961г., 2011, Юридически сборник, http://research.bfu.bg:8080/jspui/bitstream/12</p>
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