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HANDBOOK

ON THE RIGHTS AND OBLIGATIONS IN BULGARIA OF CITIZENS OF THIRD COUNTRIES, WHO HAVE BEEN GRANTED TEMPORARY PROTECTION



This Handbook was created within the framework of the project "ON FOCUS- the national capacity in the field of asylum and migration", No BGHOMEAFFAIRS-1.005-0001-C01, under contract No 812108-11-27.01.2023, financed with funds under the program " Home Affairs', Norwegian Financial Mechanism 2014-2021.

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This Handbook was created within the framework of the project "ON FOCUS-national capacity in the field of asylum and migration", No. BGHOMEAFFAIRS-1.005-0001-C01, under contract No. 812108-11-27.01.2023, financed with funds under the program " Home Affairs", Norwegian Financial Mechanism 2014-2021. All responsibility for the content of the material is borne by the Bulgarian Red Cross Society and under no circumstances can it be assumed that this material reflects the official opinion of the Norwegian Financial Mechanism and the Program Operator.

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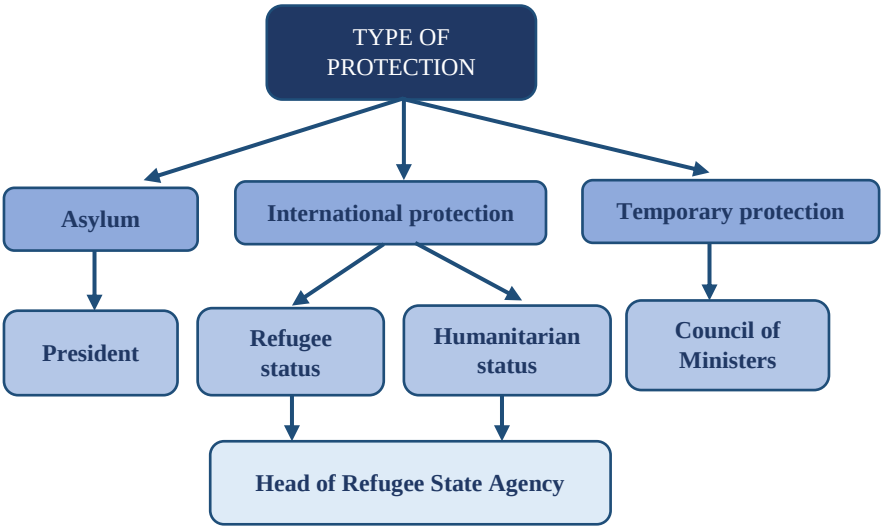
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BASIC TERMINOLOGY

The protection that the Republic of Bulgaria provides to foreigners includes asylum, international protection and temporary protection. The types of protection are presented in the following diagram:



Asylum

The right to asylum in the Republic of Bulgaria is regulated by the Constitution of the Republic of Bulgaria and the Law on Asylum and Refugees (LonAR). The Constitution defines the powers of the President to grant asylum. According to Art. 27, para. 2 of the Constitution *"The Republic of Bulgaria grants asylum to foreigners persecuted because of their beliefs or activities in defense of internationally recognized rights and freedoms."*

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International protection

It is granted by virtue of the Convention Relating to the Status of Refugees drawn up in Geneva on July 28, 1951 and the Protocol Relating to the Status of Refugees of 1967, ratified by law (promulgated in the State Gazette, No. 36 of 1992) as well as in compliance with international acts for the protection of human rights. In the Republic of Bulgaria, the requirements for international protection are regulated in the Law on Asylum and Refugees, which is granted by decision of the chairman of the State Agency for Refugees under the Council of Ministers (RSA). International protection is granted in two forms: **refugee status and humanitarian status.**

Refugee Status

Refugee status in the Republic of Bulgaria is granted to a foreigner who, due to well-founded fears of persecution based on race, religion, nationality, political opinion or belonging to a certain social group, is outside his country of origin and for these reasons cannot or does not wishes to benefit from the protection of that country or to return to it. The requirements are regulated in Article 8 of the LonAR.

"Refugee status" means the recognition by the Republic of Bulgaria of a citizen of a third country or a stateless person who meets the conditions for granting refugee status, regulated in art. 8 of LonAR.

Humanitarian status

Humanitarian status is granted to a foreign national who does not meet the requirements for refugee status and who is unable or unwilling to obtain protection from his country of origin because he may be exposed to a real risk of severe abuse such as the death penalty, execution, torture, inhuman or degrading treatment, or the like.

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"Humanitarian status" means the recognition by the Republic of Bulgaria of a citizen of a third country or a stateless person as a person who meets the conditions for granting humanitarian status, regulated in Article 9 of the LonAR.

Temporary protection

It is provided in the event of a mass influx of foreigners who are forced to leave their country of origin due to armed conflict, civil war, foreign aggression, violation of human rights or large-scale violence on the territory of the respective country or in a separate region from it, and who cannot for these reasons return there. Temporary protection in Bulgaria is granted by the Council of Ministers, following a decision of the Council of the European Union. Its term is determined by the decision of the Council of the European Union.

Vulnerable group

A vulnerable group or vulnerable persons are minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children, victims of human trafficking, persons with serious health problems, persons with mental disorders and persons, who have suffered torture, rape or other severe forms of mental, physical or sexual abuse.

Third country citizen

A foreigner who is a citizen of a country that is not a member of the European Union, the European Economic Area and Switzerland.



This handbook is intended for citizens of third countries who have been granted or are about to be granted temporary protection in the Republic of Bulgaria.

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TEMPORARY PROTECTION IN THE EUROPEAN UNION AND BULGARIA – WHEN AND HOW ITS IS PROVIDED



Temporary protection is an exceptional measure to provide immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from countries outside the European Union (EU) who cannot return to their country of origin.

The concept of temporary protection gained prominence in the European Union in the 1990s with the outbreak of wars in the former Yugoslavia. Hundreds of thousands of people are fleeing the conflict and seeking refuge in neighboring countries, including member states of the European Union. In response to this crisis, the European Union is developing measures to provide temporary protection to displaced persons from the former Yugoslavia.

As a result of the wars in Yugoslavia and other refugee crises, the European Union adopted the Temporary Protection Directive in 2001. This directive creates a framework for granting temporary protection to displaced persons arriving massively in the EU due to conflicts or events that pose a serious threat to their life or safety and provides the EU with a tool to deal with such situations.

The directive applies when the Council of the European Union, on a proposal from the European Commission, decides that there is a mass influx, in particular if this leads to a risk that the standard asylum system cannot cope with the demand arising from the arrival of displaced persons, which risks having a negative impact on the effective functioning of the asylum system.

The main act of the European Union for granting temporary protection is precisely this directive - Directive 2001/55/EC of the Council of the European Union of July 20, 2001 (Directive 2001/55/EC) on minimum standards for granting temporary protection in the event of mass entry of displaced persons and on measures to maintain the balance between

Member States in making efforts to receive such persons and bearing the consequences of such reception.

It defines the term for granting temporary protection. The body of the European Union that decides whether there is a mass flow of displaced persons is specified. The cases in which the provision of temporary protection is suspended are defined. The obligations of the countries of the European Union in relation to the persons benefiting from temporary protection are listed. The issues of access to the procedure for granting international protection, return and measures after the expiration of the period of temporary protection have been settled.

For the purposes of the Directive:

- **"temporary protection"** means a procedure of an exceptional nature to provide, in the event of a mass flow of displaced persons or an imminent mass flow of displaced persons from third countries who cannot return to their country of origin, immediate and temporary protection to such persons, especially if there is a risk that the asylum system will not be able to process this flow without prejudice to its effective operation, in the interests of the persons concerned and other persons seeking protection;
- **"displaced persons"** means citizens of third countries or stateless persons (according to the Law on foreigners in the Republic of Bulgaria, they are not citizens of a member state of the European Union or a state party to the Agreement on the European Economic Area or the Swiss Confederation), who are forced to leave their country or region of origin or have been evacuated, in particular in response to an appeal by international organizations, and are unable to return safely and permanently due to the still ongoing situation in that country, and who may be liable of the terms of Article 1 A of the Geneva Convention or other international or national instruments granting international protection, in particular:

- persons who have fled areas of armed conflict or area-specific violence;
- persons who have been exposed to a serious risk of or have been victims of a systematic or general violation of their human rights.

- **"mass flow"** means the arrival on the territory of the European Union of a large number of displaced persons who come from a specific country or geographical area, regardless of whether their arrival on the territory of the European Union is spontaneous or assisted, for example, through an evacuation program;
- **"unaccompanied minors"** means third-country nationals or stateless persons under the age of eighteen who arrive on the territory of the Member States of the European Union unaccompanied by an adult responsible for them by law or custom, and when they are not actually cared for by such a person, or minors left unaccompanied after entering the territory of a member state;
- **"residence permit"** means an authorization or consent from the authorities of a member state of the European Union in the form provided for in the legislation of the state, allowing a national of a third country or a stateless person to reside in its territory.

Temporary protection is group protection. It is not provided individually, but as a result of a decision of the Government of Bulgaria, after a decision of the Council of the European Union, which is in the nature of a general administrative act insofar as it has a one-time legal effect, which creates rights or obligations or directly affects rights, freedoms or legitimate interests of an unspecified number of persons.

In this sense, the decision to grant temporary protection states as the only basis and criterion the country of origin of the foreigners who flee from it massively due to war or natural disaster.

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According to the rules of the Directive, temporary protection does not prejudge recognition of refugee status under the Geneva Convention.

The term for applying temporary protection is set at one year (Article 4 of the Directive), and can be extended automatically for periods of six months, up to one year at the most.

The existence of a mass flow of displaced persons is established by a Decision of the Council of the European Union, adopted by a qualified majority on the proposal of the European Commission, which also examines every request from a member state to submit a proposal to the Council.

Bulgaria cannot independently decide to grant temporary protection, since the political decision whether there is a war in a certain country is taken by the Council of the European Union and applies to the territory of all European countries that are members of it. This means that if a large number of foreigners from a certain country fleeing the war there enter Bulgaria, the Bulgarian government must make a request to the Council of the European Union to declare temporary protection. However, if the Council of the European Union does not agree, then Bulgaria must consider each application separately and conduct individual procedures for each foreigner from the designated country.

The transposition of Directive 2001/55/EC in Bulgaria is reflected in the Law on Asylum and Refugees, promulgated in the State Gazette, number 54 of 31.05.2002, last amended in number 32 of 26.04.2022, effective from 26.04. 2022 (LONAR). The provisions of LonAR, with regard to temporary protection, determine the body competent to grant temporary protection, the grounds for its granting, the rights of foreigners enjoying temporary protection, access to the procedure for granting refugee status or humanitarian status, non-application of accelerated proceedings, termination of temporary protection and others. The Council of Ministers in Bulgaria provides temporary protection introduced by a decision of the Council of the European Union. The term of the temporary protection is

determined by the decision of the Council of the European Union (art. 2, para. 2 of the LonAR). Directive 2001/55/EC was implemented for the first time in practice with Implementing Decision (EU) 2022/382 of the Council of the European Union on the proposal of the European Commission of March 4, 2022 to establish the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and for the introduction of temporary protection (Decision of the Council of the European Union 2022/382).

It establishes the existence of a mass entry into the territory of the European Union of displaced persons who had to leave Ukraine as a result of an armed conflict.

Duration of temporary protection

Implementing Decision (EU) 2022/382 enters into force from the date of its publication in the Official Journal of the European Union and has a term of one year - until March 4, 2023. The term is subsequently extended automatically for another year - until 4 March 2024. With Implementing Decision (EU) 2023/2409 of the Council of the European Union of October 19, 2023, extending the period of temporary protection introduced by Implementing Decision (EU) 2022/382, the period has been extended until March 4, 2025.

Which Ukrainian citizens are eligible for temporary protection under EU Council Decision 2022/382?

- Ukrainian citizens residing in Ukraine before February 24, 2022, as well as their family members displaced on or after February 24, 2022.
- Stateless persons and citizens of other third countries who enjoyed international protection or equivalent protection in Ukraine before February 24, 2022, as well as their family members, and who were resettled from Ukraine on or after February 24, 2022

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- Third-country nationals who are not Ukrainian citizens and stateless persons who can prove that they legally resided in Ukraine before February 24, 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian legislation, and who cannot return to their country of origin for a long time in a safe environment, are eligible for EU temporary protection or adequate national protection depending on the EU country they are in.

Pursuant to Decision of the Council of the European Union 2022/382, on 21 March 2022, the European Commission published operational guidelines for the application of Implementing Decision (EU) 2022/382 of the Council of the European Union to establish the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and for the introduction of temporary protection (2022/C 126 I/01).

The guidelines relate to the scope (persons covered/not covered by the Council of the European Union decision, family members) and how to treat children, including unaccompanied minors. The guidelines also cover the issue of the right to free movement between Member States, registration and provision of information.

The Communication of the European Commission specifies the categories of persons to be considered family members for the purposes of the decision of the Council of the European Union:

- the spouse(s) of the person benefiting from temporary protection or the unmarried partner in a permanent relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a manner comparable to married couples under its national law on aliens, which can be proved by relevant documents and certificates from the register of civil status or by any other document issued by the Ukrainian authorities, even

certificates provided by the diplomatic representation of Ukraine in that Member State;

- the minor, unmarried children of the above-mentioned person benefiting from temporary protection or his/her spouse, regardless of whether they were born in, out of wedlock or adopted, which can be proven by a birth certificate or other similar act;
- other close relatives who lived together as part of the family at the time of the occurrence of the circumstances surrounding the mass arrival of displaced persons and who were wholly or mainly dependents of the above-mentioned person benefiting from temporary protection, which can be proven by residence documents, an extract from the family register and proof of relevant payments for care provided.

Evidence of entitlement to temporary protection under Directive 2001/55/EC or adequate protection under national law.

The European Commission's communication provides some of the following guidelines:

- The decision of the Council of the European Union introduced immediate temporary protection for the categories of persons listed in Article 2, paragraphs 1 and 2. There is no procedure for applying for temporary protection or adequate protection under national law. Therefore, when the person concerned appears before the authorities to benefit from the rights related to temporary protection or adequate protection, he will only have to prove his citizenship, international protection status or equivalent protection status, residence in Ukraine or family connection, as appropriate. The right to temporary protection applies immediately. However, in order to ensure proper administrative service and registration of the person concerned, the Member State of the European Union may decide on the fulfillment of

certain requirements such as the registration form and the presentation of evidence, as provided for in the decision of the European Union;

- Persons wishing to benefit from protection should be able to prove that they are entitled to temporary protection or adequate protection under national law by presenting the relevant documents to the competent authorities in the relevant member state of the European Union. This may include documentary evidence that can help to:
  - establishing identity and residence;
  - certification of family relationship or family integrity and of dependency with close relatives.

Where the documents presented are expired, the Member States of the European Union are invited to take them into account as proof of the identity or residence status of the person concerned. If the Member States of the European Union have doubts about the authenticity of the documents presented, or if the person does not possess the above-mentioned documents, the Ukrainian authorities in the Member States of the European Union can be contacted for support or for authentication, if/when possible, of the person's Ukrainian citizenship or his status of residence in Ukraine.

- Where a person is unable to provide the relevant documents and Member States are unable to quickly determine otherwise whether the person concerned is entitled to temporary protection or to adequate protection under national law, the European Commission proposes that the person be redirected to the procedure for granting asylum. Similarly, persons who state that they cannot safely return to their country/region of origin, but the process of determining the right to receive temporary protection or adequate protection under national law becomes too complex, should in any case be redirected to the asylum procedure.

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Persons who may be excluded from the granting of temporary protection (Article 28 of the Temporary Protection Directive)

Member States of the European Union may exclude a displaced person from the granting of temporary protection if they have serious grounds to believe that the person has committed a crime against peace, a war crime or a crime against humanity, a serious non-political crime committed outside the host Member State of The European Union prior to his admission to that country as a person enjoying temporary protection, or if the person has been found guilty of committing acts contrary to the purposes and principles of the United Nations.

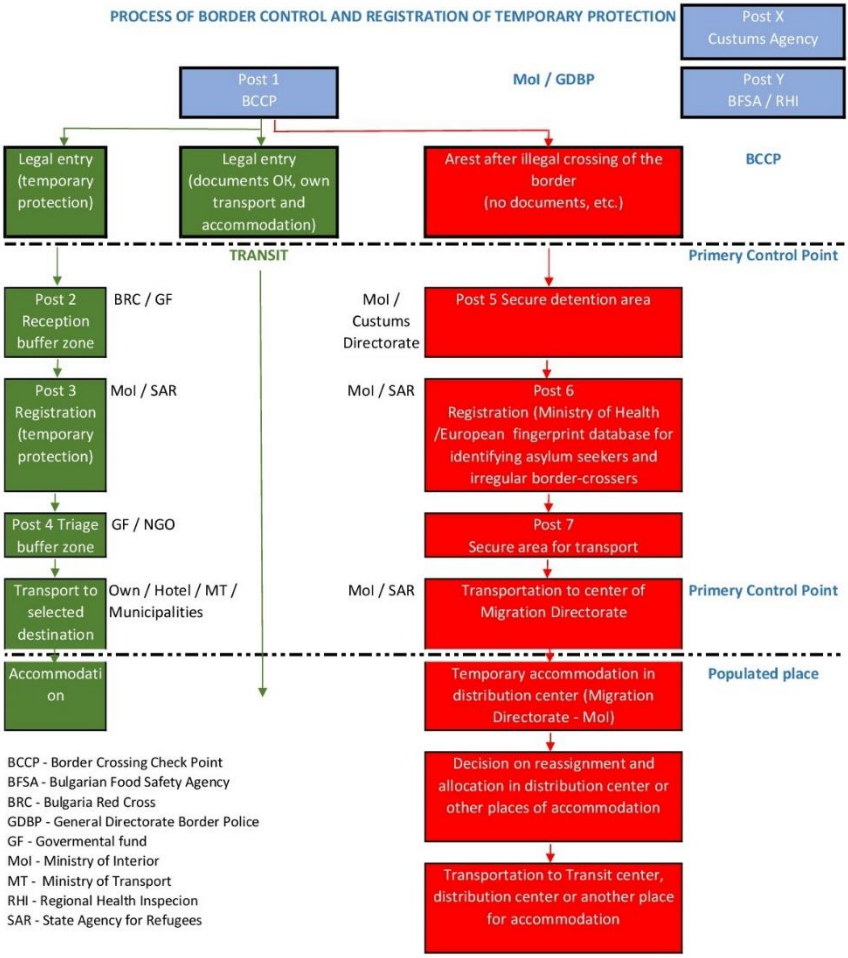
Member States of the European Union may also exclude a displaced person from the granting of temporary protection when there are sufficient grounds to consider that the person is a threat to the security of the host Member State of the European Union or a threat to society in the host Member State of the European Union.

How is temporary protection obtained?

The right to temporary protection applies immediately, which means that when a person wants to benefit from it, they must follow the instructions of the national authorities of the relevant EU member state and prove to them their citizenship, international protection status or equivalent status of protection, residence in Ukraine (or the relevant country for which the Council of the European Union has accepted the granting of temporary protection) or a family relationship, as the case may be, which give the right to temporary protection.

Decision No. 144 of the Council of Ministers dated 10.03.2022 in the Republic of Bulgaria regulates the granting of temporary protection to displaced persons from Ukraine and adopts amendments to the National Action Plan for Temporary Protection. It regulates the process of border control and registration for temporary protection, presented in the diagram below.

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In the Republic of Bulgaria, in addition to the Registration and Reception Centers (RRC) of the State Agency for Refugees (SAR) under the Council of Ministers, initial registration with temporary protection for persons from Ukraine can also be done in:

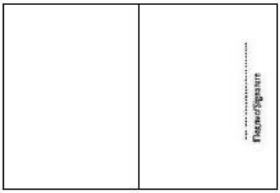
- the nearest regional directorate of the Ministry of Interior;
- Metropolitan Directorate of Ministry of Interior- for the city of Sofia;
- the regional offices, where MoI's employees carry out the registration.

A list of registration locations can be found at: https://aref.government.bg

Pursuant to Art. 45, para. 1 of the Law on Asylum and Refugees, Decision No. 642 of the Council of Ministers of 08/04/2016 was adopted to approve sample registration cards issued by the State Agency for Refugees under the Council of Ministers. A foreigner who has requested temporary protection is issued a document "Registration card of a foreigner granted temporary protection". The model of the registration card is approved in Appendix 3 of Decision No. 642 of the Council of Ministers of 08/04/2016 on approval of models of registration cards that are issued by the State Agency for Refugees under the Council of Ministers - (Amend. - SG No. 13 of 2023, No. 11 of 2024). With the latest amendment to Decision No. 642, the period of validity of the registration cards of foreigners granted temporary protection, which expires on March 4, 2024, is extended to March 4, 2025, and can be extended at the request of the displaced person with granted temporary protection, which is its holder.

The sample registration card for granting temporary protection is presented below.

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Настоящ адрес Национален документ за самоличност: Има право да остане на територията на Република България на основание чл. 39, ал. 1, т. 1 от Закона за убежището и бежанците	**РЕПУБЛИКА БЪЛГАРИЯ** **ДЪРЖАВНА АГЕНЦИЯ ЗА БЕЖАНЦИТЕ ПРИ МИНИСТЕРСКИЯ СЪВЕТ** **РЕГИСТРАЦИОННА КАРТА НА ЧУЖДЕНЕЦ** **С ПРЕДОСТАВЕНА ВРЕМЕННА ЗАКРИЛА** **№**
 ЛНЧ/Personal № Имена/Names Роден на/Date of birth Пол/Sex Място на раждане/Place of birth Гражданство/Nationality	**Придружаващи деца под 14-годишна възраст:** **Регистрационната карта е издадена от Държавната агенция за бежанците при Министерския съвет** на..... важи до 04.03.2025 г. Срокът е продължен до..... Дата на първоначална регистрация..... **№**

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Upon initial registration for temporary protection in Bulgaria, an application form is submitted. The relevant officers take the person's personal and biometric data, generate a Foreigner's Personal Number and issue a registration card with a photo of the person.

The residence permit serves as a document to prove temporary protection status to national authorities such as employment services, schools, hospitals.

Following Decision No. 54 dated 25.01.2024 of the Council of Ministers on extending the period of temporary protection until 04.03.2025 and Decision No. 67 dated 01.02.2024 on approving samples of registration cards, the process of re-registration has started of the registration cards of Ukrainian citizens who wish to extend their temporary protection on the territory of the Republic of Bulgaria.

Persons wishing to renew their registration cards can appear at the nearest regional directorate of the Ministry of the Interior (MoI); Metropolitan Directorate of Interior - for the city of Sofia or in the Registration and Reception Centers (RRC) of the State Agency for Refugees on the territory of the country. The re-registration process continues until 31.03.2024, after which applications will be accepted only at SAR centers at the Ministry of Education. Persons with temporary protection should appear and submit:

- application form for renewal of the Registration Card of a foreigner granted temporary protection, containing an up-to-date address of residence;
- national identity document;
- registration card with an expired validity period until 2024.



Right of movement within the EU prior to the issuance of a residence permit

Pursuant to the provisions of Directive 2001/55/EC and as noted in Implementing Decision (EU) 2022/382 of the European Union of March 4, 2022, Ukraine is included in the list in Annex II to Regulation (EU) 2018/1806 of the European Parliament and of the Council of the European Union and citizens of Ukraine are exempted from the requirement to hold a visa when crossing the external borders of the member states of the European Union for a stay of no more than 90 days within each 180-day period. In this regard, it should be noted that Ukrainian citizens holding biometric passports, as visa-exempt travelers, have the right to move freely within the European Union for a period of 90 days after being admitted on its territory. On this basis, they can choose the EU country where they want to enjoy the rights related to temporary protection and join their family and relatives in the EU country where they are.

If the person is entitled to temporary protection but does not hold a biometric passport, the border authorities of the EU country of first entry should issue a short-stay visa valid for 15 days upon entry into the Schengen area. This will allow the person to enjoy the rights related to temporary protection when traveling to the EU country of destination.

If the person is entitled to temporary protection but does not hold a foreign travel document, the border authorities of the EU country of first entry should consider whether to allow the journey to continue if necessary, for example by issuing a travel document and visa or by using transfer forms related to temporary protection legislation.

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If the person crossed the EU border for the first time through a country that is not part of the EU area without internal border control (Romania, Bulgaria, Cyprus and Ireland), the documents will normally be checked again at the border checkpoint of the next Schengen country.

The identity of persons entitled to temporary protection from Ukraine (or the relevant country for which the Council of the European Union has accepted the granting of temporary protection) under the age of 18 is also registered when entering the EU, and when not traveling with parents or other adults, who are responsible for them, border officials also record the identity of known adults accompanying them on the journey or waiting for them, as well as the declared EU country of destination. In the case of unaccompanied or separated children, they also have the right to have a guardian appointed as soon as possible to act as their parent until they can be reunited with their parents or other family members. The guardian may be one of the known adults with whom the child traveled if the authorities believe it is in the child's best interest. Sometimes the guardian may be different from the adults who will look after the children, for example in foster families, reception centers etc. Children have the right to ask not to be separated from familiar adults who are able to care for them.

Right of access to the asylum procedure

In accordance with Article 17 of Directive 2001/55/EC, beneficiaries of temporary protection have the right to apply for international protection at any time. In this case, the provisions of the EU asylum acquis apply. Without prejudice to their right to apply for international protection, beneficiaries of temporary protection should be assured of the rights that this status will grant them.

Temporary protection cannot be enjoyed simultaneously with the status of applicant for international protection while applications are being examined (Article 19 of Directive 2001/55/EC). The person has the right to be informed in detail about the procedures applied by the Member

State, thus enabling him to decide whether to request international protection in addition to the residence permit proving the person's temporary protection status. In accordance with Article 19(2) of Directive 2001/55/EC, where a person who is entitled to or enjoys temporary protection or adequate protection under national law decides to submit an application for international protection and, after examination of the application, is not granted refugee status or humanitarian status, that person enjoys or continues to enjoy temporary protection or adequate protection under national law for the remainder of the period of protection.

Where the examination of the application for international protection has not been completed during the period of temporary protection or adequate protection under national law, it should be completed after the end of temporary protection in accordance with Article 17(2) of Directive 2001/55/ EC.

Rights and obligation of persons with temporary protection in Bulgaria

Any foreigner may request protection in the Republic of Bulgaria in accordance with the provisions of the Law on Asylum and Refugees. At the same time, a foreigner who has entered the Republic of Bulgaria to request protection, or has already received protection, cannot be returned to the territory of a country in which his life or freedom are threatened on the grounds of race, religion, nationality, belonging to a particular social group or political opinion, or is exposed to the risk of torture or other forms of cruel, inhuman or degrading treatment or punishment.

Unlike the immigrant, the person seeking protection does not leave his country voluntarily and of his own accord for economic, family or educational reasons. An asylum seeker is a person who is forced to flee their country of origin because they fear persecution, violation of fundamental human rights or a threat to their life and security because of their race, religion, nationality, membership of a particular social group

or because of their political opinion or belief. For these reasons, he seeks protection in a foreign country in order to protect himself or his loved ones from attack. People who flee their country for these reasons can receive "international protection" without meeting the usual requirements for legal immigration - a regular passport, a visa or crossing the border only through designated points. The person seeking protection is called an "applicant for international protection".

If a foreigner has not entered the Republic of Bulgaria in accordance with the legal procedure in search of protection, arriving directly from a territory where his life and freedom were threatened, he is obliged to immediately present himself to the competent authorities and indicate valid reasons for his illegal entry or residence on the territory of the country.



According to Art. 5 of the LonAR, foreigners seeking or with granted protection in the Republic of Bulgaria have the rights and obligations under the Law on Asylum and Refugees and bear civil, administrative and criminal liability under the conditions and according to the procedure determined for Bulgarian citizens.

Foreigners with granted temporary protection, have the right:

- to remain on the territory of the Republic of Bulgaria;
- to labor and professional training;
- of suitable accommodation or means of accommodation if necessary;
- of social assistance;
- of health insurance, affordable medical assistance and medical services under the conditions and according to the

procedure determined for Bulgarian citizens, with the exception of medical assistance provided in accordance with the rules for coordination of social security systems in the sense of § 1, item 22 from the additional provisions of the Health Insurance Act;

- to freely return to their country of origin.

Foreigners benefiting from temporary protection shall be provided with written information in a language they understand about the rules regarding temporary protection.

Unaccompanied minors or minor foreigners benefiting from temporary protection are accommodated in:

- family of relatives or relatives, foster family, social or integrated health and social service for residential care under the conditions and according to the procedure of the Child Protection Act;
- other places of accommodation with special conditions for minors.

According to Art. 39a. of the Asylum and Refugees Act, a foreigner enjoying temporary protection has the right to be reunited with his spouse, their minor and unmarried children, if they also express a desire for it.

The President of the State Agency for Refugees may authorize the reunification of a foreigner enjoying temporary protection with other close relatives who lived together as part of the household at the time of the events and who were dependent on the foreigner in the country of origin. The additional difficulties that would arise for them if they do not come together are assessed on a case-by-case basis.

When the whereabouts of family members are unknown, the State Agency for Refugees in cooperation with the United Nations High

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Commissioner for Refugees, the Bulgarian Red Cross and other organizations takes action to search for them.

Upon reunification, family members have all the rights granted to foreigners enjoying temporary protection.

Applicable to the rights of foreigners in the Republic of Bulgaria are also the laws regarding the implementation of sectoral policies in the field of health care, education and social protection and insurance, which include provisions regarding persons with temporary protection.

OPPORTUNITIES FOR PERSONS WITH TEMPORARY PROTECTION TO ACCESS EDUCATION, JOBBS, HEALTH CARE, HOUSINGHE

ACCESS TO EDUCATION



Pursuant to Article 14(1) of Directive 2001/55/EC, Member States of the European Union grant persons under the age of 18 with temporary protection status access to their education system under the same conditions as their own nationals and EU citizens.

Procedure for admission and education of children and students of preschool and school age from Ukraine (or the relevant country for which the Council of the European Union has accepted the granting of temporary protection) **in Bulgarian state and municipal kindergartens and schools**

Bulgaria has established the following procedure for the admission and education of children and students of preschool and school age, benefiting from temporary protection, in Bulgarian state and municipal kindergartens and schools:

- Applications for admission and education of children and students of preschool and school age from Ukraine, with

temporary protection granted (or the relevant country for which the Council of the European Union has accepted the granting of temporary protection) for education in Bulgarian state and municipal kindergartens and schools are submitted to the 28 regional administrations of education (RAE) in the regional cities of the country.

- Applications are accepted on site at the RAE or at an electronic address specified on the RAE website, where the parent/guardian/guardian-representative of the child or student can submit an application for admission to state and municipal kindergartens and schools and by electronic way.
- In a prominent place on the RAE website, the following are announced:
  - the application form from the parent, guardian/guardian-representative of the child or student;
  - phone number of an expert from RAE, fluent in English and/or Russian, to provide additional information if necessary in connection with the admission and education of children and students in state and municipal kindergartens and schools.
- Referral of children and students of preschool and school age from Ukraine, granted temporary protection (or the relevant country for which the Council of the European Union has accepted the granting of temporary protection) for reception and education in state and municipal kindergartens and schools takes place after:
  - temporary protection status granted;
  - provided personal alien number of the child or student, entered in the registration card of the

parent/guardian/guardian/representative of the child or student, if the child or student is under 14 years of age, respectively entered in a separate registration card - over 14 years of age.

- Enrollment of children and students of preschool and school age from Ukraine, granted temporary protection (or the corresponding country for which the Council of the European Union has accepted the granting of temporary protection) for education in state and municipal kindergartens and schools can be carried out after:
  - guidance by the head of the RAE of the child or student for admission and education in the relevant kindergarten or school;
  - a medical document of the child or student presented at the kindergarten or school in accordance with the requirements of the Ministry of Health;
  - conducting an interview and assigning the child or student to a certain preparatory group of compulsory preschool education or to a certain class of school education, when the child or student does not have a document for a completed class, stage or degree of education, according to the provisions of Ordinance No. 3 of 06.04.2017 on the terms and conditions for admission and training of persons seeking or granted international protection, issued by the Minister of Education and Science.
- After enrolling the child or student in a certain group of the kindergarten or a certain class of the school, the director ensures:
  - additional training in Bulgarian as a foreign language;

- psychological support when necessary, as well as other activities for general support for personal development of the children and students studying in the respective kindergarten or school;
- additional support for personal development, if necessary, for children and students studying in the respective kindergarten or school, including resource support for children and students with special educational needs.

➢ To carry out an assessment of the individual needs of children and students and to provide resource support to children and students with special educational needs, the director of the kindergarten or school can also seek assistance from the regional centers for supporting the process of inclusive education.

Recognition of completed period of school education

The recognition is an official written confirmation of compliance of completed period, class, stage, completed school education and acquired professional qualification in a school in a foreign country or in a school of the European school system with those in school education in the Republic of Bulgaria. The recognition of documents issued by schools in foreign countries is a procedure in which, for the recognition of grades I to VI, documents are submitted to the director of the selected school, and for grades VII to XII - to the nearest Regional Administration of Education.

The documents for the recognition of a completed class, stage or degree are:

1. Application according to the form approved by order of the Minister of Education and Science;

2. Document of school education and/or professional qualification;

3. A document indicating what rights the document under item 2 gives for continuing education, in cases where this is not specified in the document under item 2;

4. In the event that the person wishes to continue his studies in the first or second high school stage in a Bulgarian school - a reference for the studied subjects with the number of hours and grades, if they are not entered in the document under item 2;

5. Translation into Bulgarian of the documents under items 2, 3 and 4 by a sworn translator;

6. Document for the last grade completed in a Bulgarian school (if any) before studying in a foreign school, when the person wishes to recognize grades from VIII to XII inclusive;

7. Document for paid state fee. The documents under items 5 and 7 must be submitted in original, and the documents under items 2, 3, 4 and 6 - in original or a copy certified by a notary or by the school that issued the document.

Recognition is carried out for the purpose of:

- access to education in the system of preschool and school education;
- access to professional training;
- access to education in the higher education system;
- facilitating access to the labor market.

The documents under items 2, 3 and 4 are legalized, translated and certified in accordance with the Convention on the abolition of the requirement for legalization of foreign public acts, with the signed contracts between the Republic of Bulgaria and the country in which they were issued or with the Regulations on the legalization, certifications and translations of documents and other papers approved by Decree No. 184

of the Council of Ministers of 1958 (SG, No. 73 of 1958), with the exception of documents issued by a school in the system of European schools, which are not legalized, as well as for persons wishing to recognize classes I to IV inclusive.

Exceptions: Documents of persons seeking or receiving international protection cannot be legalized and certified.

Recognition of higher education diplomas obtained in foreign universities

Recognition of higher education acquired in foreign higher education institutions, including higher education institutions in Ukraine, is carried out by various competent authorities depending on the objectives of the requested recognition.

For continuing education in Bulgaria after a completed period of study or an acquired degree of higher education, qualification enhancement or application for a doctorate, the competent authority for recognition of the foreign diploma is the rector of the accredited Bulgarian higher education institution chosen for this purpose.

The National Center for Information and Documentation (NCID) at the Ministry of Education and Science organizes the procedure for academic recognition of the educational and qualification degrees "bachelor" and "master", as well as the educational and scientific degree "doctor" in order to facilitate access to the market of labor in unregulated professions.

The necessary documents are a diploma of higher education and an annex to it. They do not need certification from Ukraine, but must be accompanied by a legalized translation into Bulgarian. The translator's signature only needs notarization. More information about the academic recognition procedure itself can be found on the NCID website: https://nacid.bg/.

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ACCESS TO LABOR MARKET



Ukrainian citizens benefiting from temporary protection would be able to work in Bulgaria without a work permit, register as jobseekers at a labor office at their permanent or current address of residence, and benefit from employment mediation and professional training services.

Ukrainian citizens, granted temporary protection, have the right to seasonal work for up to 90 days in agriculture, forestry and fisheries, hotel and restaurant industry in Bulgaria without interruption for 12 months.

Ukrainian citizens who have submitted an application for international protection and the proceedings have not been completed within three months from the submission of the application due to reasons beyond their control, have the right to work in Bulgaria without a work permit until the procedure is completed.

Detailed information is available at: https://www.az.government.bg

Control bodies of the General Labor Inspectorate advise Ukrainian citizens on their labor rights. For this purpose, an e-mail has been created where they can ask their questions related to Bulgarian labor legislation, as well as file reports if they are already employed and believe that their rights have been violated.

The email is BGhelp.Ukrainians@gli.government.bg and is published on the website of the Labor Inspectorate, in the contacts section, as well as in the section "For employers and workers", section "Employment of foreigners on the territory of the Republic of Bulgaria". The experts of the Main Labor Inspectorate respond promptly to the questions on the indicated email, and for this purpose contacts for feedback should be provided.

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ACCESS TO HEALTHCARE

Health Insurance



Persons granted temporary protection under the Asylum and Refugee Law have the right to medical assistance and medical services in accordance with the Health Insurance Law (HIV) and the Health Law under the conditions and according to the rules for Bulgarian citizens. The emergence of the health insurance rights of persons with temporary protection is determined by Decree No. 69 of May 5, 2022 on health insurance of persons with temporary protection under Article 1a, paragraph 3 of the Asylum and Refugee Act and of persons under Article 39, paragraph 6, item 2 and art. 40a, paragraph 3a of the Law on Health Insurance (Decree) of the Council of Ministers, namely - from the date of granting temporary protection.

The Decree stipulates that health insurance contributions will be paid for by the state budget for persons with temporary protection up to the age of 18 and aged 63 and over for women and 65 and over for men, for the duration of the temporary protection, unless these persons are not subject to health insurance on any other basis under Art. 40, para. 1 of the PPE (Art. 1, item 3, b. "a" of the Decree).

For persons with temporary protection aged 18 and over and under the age of 63 for women and under 65 for men, health insurance contributions are also at the expense of the state budget, for a period of 90 days from the date of granting temporary protection, except if these persons are not subject to health insurance on other grounds under Art. 40, Paragraph 1 of the Health Insurance Act. After the expiration of the 90-day period, the health insurance contributions are paid in accordance with Article 40 of the Health Insurance Act (Article 1, Item 3, b. "b" of the Decree).

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The State Agency for Refugees submits data to the National Revenue Agency (NRA) on the health insurance of persons with temporary protection, which are provided at the expense of the state budget. Pursuant to Art. 35, para. 1, item 2 of Health Insurance Compulsorily insured persons have the right to choose a doctor from a medical facility for primary outpatient medical care, i.e. general practitioner (personal physician) who has signed a contract with the Regional Health Insurance Fund.

Medical Services

A person with temporary protection who has valid health insurance has the right to choose his own personal general practitioner. This is the doctor who monitors the overall state of health, conducts check-ups, administers mandatory vaccines, treats minor illnesses (such as flu), provides the necessary health documentation, maintains a digital profile of patients with the history of their illnesses, and issues referrals to specialists when necessary.

The selection of a personal physician can be made at any time of the year by visiting his office and submitting an application to the Regional Health Insurance Fund. The application can be filled out on site or online, on the website of the National Health Insurance Fund (NHIF) https://www.nhif.bg/bg/people/request_opl.

The choice of a personal doctor for children under 18 is made by parents or guardians.

Upon initial selection of a personal physician, a Health Insurance Card should be issued to the person. It certifies the registration with a personal physician and dentist. The health insurance card is issued by the regional Health Insurance Fund.

Registration with a personal physician can also be done electronically through a special platform of the National Health Insurance Fund, through a unique access code that is obtained from the National Revenue

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Agency, and a qualified electronic signature. The platform is available at: https://pis.nhif.bg/main/

Patients usually choose a doctor near the address where they live.

Dental services

Health insured persons with temporary protection can choose the services of a dentist of their choice and are entitled to a limited number of free procedures each year. These are a comprehensive examination and three dental interventions. Other dental services and accompanying treatment are paid for by the patient. At each visit, the patient pays a fee - identical to that of a private doctor or specialist.

RESIDENTIAL ACCOMODATION



Until 30.06.2023, a Program for humanitarian assistance to displaced persons from Ukraine granted temporary protection in the Republic of Bulgaria was adopted and implemented in Bulgaria, adopted with Government Decree No. 317 of 2022. According to it, displaced persons from Ukraine, covered by the temporary protection implemented by the EU and granted in the Republic of Bulgaria under the Law on Asylum and Refugees, including persons under the age of 18, had the right to humanitarian aid for accommodation and food in places of accommodation entered in the National Tourist Register or in the one created for the objectives of the implementation of the program Register for places of shelter, in the total amount of BGN 40 excluding VAT per person for overnight stay and board (breakfast, lunch and dinner), incl. tourist tax.

After 30.06.2023 until 30.04.2024, the Humanitarian Aid Program for persons with temporary protection in the Republic of Bulgaria was active. Humanitarian aid only covered accommodation costs without food costs.

This humanitarian aid cannot be obtained even if the person has temporary protection in the event that:

- Has an employment contract registered with the National Revenue Agency.
- Receives financial assistance for rent, housing vouchers or other forms of housing assistance under other programs/measures administered by a government agency.

Before the person is included in the humanitarian program and directed to a specific place of accommodation, he must be accommodated in a transit center, which is located in the city of Elhovo, Chataldzha Street No. 2, Bulgaria. It can be accommodated there for a period of 1 to 14 days. The person cannot choose the place where he will be accommodated. From the transit center, the authorities will direct the person to a place where there are vacancies. An exception can only be made if the person has family members already accommodated under this humanitarian assistance program.

After the end of the Program, the housing of persons with the status of temporary protection in Bulgaria can be realized through:

- renting a home - against a contract concluded with a lessor for a short-term or long-term period depending on the duration of the temporary protection;
- accommodation with relatives, relatives or other persons - against registration in the relevant municipality;
- use of hotel services.

SOCIAL ASSISTANCE, SOCIAL SERVICES AND PROTECTION



Persons with the status of temporary protection are entitled to a social assistance in Bulgaria.

The institution responsible for the provision of social services in Bulgaria is the Social Assistance Agency of the Ministry of Labor and Social Policy (SAA).

The necessary requirements for the use of social services by persons with temporary protection are:

- a valid document for granted status, issued by the Bulgarian authorities;
- registration at current address by the municipal administration in the settlement where they are established or address registration by place of residence;
- the person should contact the "Social Assistance" Directorate at the current address.

Access to social assistance is provided by submitting an application-declaration to the "Social Assistance" Directorate of the SAA for assessment of the right to assistance for:

- one-time social assistance;
- one-time social assistance for issuing an identity card;
- monthly social assistance;
- targeted assistance for heating (submission period from July 1 to October 31).

Access to social services is carried out on request by submitting an application for the use of social services in the Directorate "Social Assistance" of SAA at the current address. The Directorates provide complete information on the types of appropriate social services, the terms and conditions for their use. Stateless persons and persons seeking protection, as well as homeless persons and persons who, due to health and/or mental problems, cannot for objective reasons certify a current address, are directed by the DSA to their place of residence.

After submitting the application to the Social Assistance Directorate, a Preliminary Assessment of Needs is prepared in a timely manner, with the aim of directing to a relevant social service.

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Social services can provide:

- temporary shelter;
- informing and consulting;
- advocacy and mediation;
- therapy and rehabilitation;
- day care and residential care.

Suitable social services in the sense of Bulgarian legislation, in which persons with temporary protection can receive support are Crisis Centers, Day Care Centers, Centers for Social Rehabilitation and Integration, Community Support Centers, Mother and Baby Unit and Homes for the elderly.



On phone 0800 88 001 - the call center of the Ministry of Labor and Social Policy provides free consultations in Bulgarian, Russian and English to Ukrainian citizens with temporary protection on access to the labor market in Bulgaria and opportunities for social support for children and families every working day from 9.00 a.m. to 5.30 p.m.

RIGHTS OF CHILDREN WITH TEMPORARY PROTECTION IN THE EUROPEAN UNION AND BULGARIA



The rights of children under temporary protection within the European Union are regulated in Directive 2001/55/EC, as in the Communication from the European Commission on the application of Implementing Decision (EU) 2022/382 of the Council of the European Union establishing the existence of mass entry of displaced persons from

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Ukraine, guidelines are given to EU member states on how to treat children, including unaccompanied minors.

The EC Communication states that *"Children (persons under the age of 18) are estimated to account for more than half of the population leaving Ukraine after 24 February 2022 as a result of the war. In line with the 2017 Communication on the protection of migrant children, the protection of migrant children arriving from Ukraine is a top priority for the EU. The recommendations made by the European Commission in this context to strengthen the protection of all migrant children, regardless of their status, remain valid in view of the Ukrainian crisis.*

Full protection and prompt access to children's specific rights (education, health care, including prevention and mental health care, and psychosocial assistance) must be guaranteed, as well as all necessary support services to ensure the best interests of the child and the well-being of all children fleeing the Ukrainian conflict. Children's views should be heard and taken into account in accordance with their age and level of maturity. An integrated child protection response should be provided in cooperation and coordination with relevant authorities.

The specific obstacles that migrant children often face (e.g. the language barrier) in accessing decent housing, quality education and other social services should be duly taken into account and overcome.

Member States of the European Union are encouraged to ensure that all children are provided, in a child- and age- and context-appropriate manner, with relevant information about the situation, their rights and the procedures and services available for their protection. Member States are also encouraged to ensure that those working with children, from the moment they arrive at EU borders, are properly trained and that child protection professionals are involved in the process where appropriate.

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Any decision or action to be taken in relation to children must be based on the principle of the best interests of the child as a primary consideration."

Section 5 of the EC Communication pays particular attention to the protection of unaccompanied and separated children or orphaned children. It is important that they are registered immediately upon arrival. They should receive full and safe support, ensuring that a representative of child protection services is present as quickly as possible. Finding the families must be a priority.

All children (i.e. persons under the age of 18) fleeing the war in Ukraine are entitled to protection in the EU. They have the right to:

- their identity will be registered on entry into the EU, and when they are not traveling with parents or other adults who are responsible for them, border officials will also register the identity of known adults who are accompanying them on the journey or waiting for them, as well as the declared country of origin EU as intended;
- to access care (including housing) as quickly as possible, health care (including psychological support) and education;
- to be heard and to express their views on any decision to be made concerning them (when age and maturity level permit).

In the case of unaccompanied or separated children, they also have the right to be assigned as soon as possible a guardian to act as their parent until they can be reunited with their parents or other family members. The guardian may be one of the known adults with whom the child traveled if the authorities believe it is in the child's best interest. Sometimes the guardian may be different from the adults who will look after the children, for example in foster families, reception centers etc. Children have the right to ask not to be separated from familiar adults who are able to care for them.

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In Bulgaria, there are several types of family benefits (one-off and monthly) for raising children, for which a person with temporary protection status in Bulgaria can apply.

In general, they are:

- One-time family allowance for children attending school - provided to children from 1st to 4th grade and to children enrolled in 8th grade;
- Monthly benefits - for raising a child who attends school up to the age of 18, but no more than 20 years of age and raising a child with a permanent disability.

Applying for any of the above benefits is done by submitting a standard application to the director of the Social Assistance Directorate in the Social Assistance Agency at the Ministry of Labor and Social Policy at the official current address.

The following have the right to receive family allowances for raising children:

- Parents/Single parent of the child;
- Relatives or relatives who are raising the child;
- Adoptive family raising a child;
- Adoptive parent;
- Guardians/Trustees.

The institution responsible for the protection of children's rights in Bulgaria is the "Child Protection" department in the "Social Assistance" Directorate of the Social Assistance Agency.

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"Child Protection" Department in the "Social Assistance" Directorate:

- Organizes immediate assistance to children in a disaster situation, including counseling and social support;
- Refers to advisory services for psychological and pedagogical support for children and families and to organizations providing legal assistance in cases of children;
- Accommodation in a family of relatives and friends;
- Placement in a host family;
- Placement in a residential care social service.



In Bulgaria, there is a national telephone line for children 116 111 for reporting signals, consultations and support.

POSSIBILITY OF TRAVEL TO THE EUROPEAN UNION FOR PERSONS WITH TEMPORARY PROTECTION



The rights of free movement of persons with temporary protection in the EU are regulated in Directive 2001/55/EC and in the Communication from the European Commission on the application of Council Implementing Decision (EU) 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine.

The rights of free movement before the issuance of a residence permit are described in the Section "Rights and obligations of persons with temporary protection in the EU and Bulgaria", subsection "Right of movement in the EU before the issuance of a residence permit" of this document.

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According to the cited EU documents, persons with temporary protection status have the right to free movement after the issuance of the residence permit subject to certain rules.

Article 15, paragraph 2 of Directive 2001/55/EC provides that in cases where individual family members benefit from temporary protection in different member states of the European Union, the member states are obliged to reunite the family members if they meet the conditions referred to in paragraph 1 letter a) of the same article, taking into account the wishes of the relevant family members.

Member States of the European Union may reunite family members when they meet the conditions set out in paragraph 1, letter b) of the same Article, taking into account in each individual case the additional difficulties that would arise for them if they were not reunited.

At the same time, Article 26 of the Directive states that when a transfer is made from one EU member state to another, the residence permit in the EU member state from which the person is departing is terminated. Obligations regarding persons who are transferred in connection with temporary protection in the Member State from which they are departing are also terminated. The new host Member State grants temporary protection to these persons.

A limitation of the right to collective movement within the EU is indicated in Article 11 of the Directive, namely: A Member State of the European Union returns to its territory a person benefiting from temporary protection, if this person resides or tries to enter the territory of another Member State without authorization during the period covered by the Council's decision. The member states of the European Union may, on the basis of a bilateral agreement, decide not to apply this article.

On the other hand, the Communication of the European Commission on the implementation of Council Implementing Decision (EU) 2022/382 on the establishment of the existence of a mass influx of displaced persons from Ukraine states that in order to support the Member States

that are main points for entry of the mass arrivals of displaced persons fleeing the war from Ukraine covered by the decision of the Council of the European Union, and in order to promote a balance of efforts between all Member States, Member States have agreed not to apply Article 11 of Directive 2001/55/ EC in relation to persons enjoying temporary protection in a Member State in accordance with a decision of the Council of the European Union who have moved to another Member State of the European Union without authorization, unless the Member States of the European Union reach a bilateral agreement for another.

USEFUL INFORMATION

- https://aref.government.bg
- https://ukraine.gov.bg/
- https://eu-solidarity-ukraine.ec.europa.eu/information-people-fleeing-war-ukraine/fleeing-ukraine-your-rights-eu_bg
- https://refugee-integration.bg

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PROJECT: ON FOCUS

NATIONAL CAPACITY IN THE FIELD OF ASYLUM AND MIGRATION

The project "ON FOCUS-national capacity in the field of asylum and migration", No. BGHOMEAFFAIRS-1.005-0001-C01, under contract No. 812108-11-27.01.2023, is financed with funds from the "Home Affairs" program, Norwegian Financial Mechanism 2014 – 2021. Norwegian financial mechanism represents Norway's contribution to building a greener, more competitive and more inclusive Europe.

BENEFICIERY: ASSOCIATION BULGARIAN RED CROSS

PARTNER: ASSOCIATION EUROCLUB WOMAN

PARTNER: STATE AGENCY FOR REFUGEES AT THE COUNCIL OF MINISTERS

START OF THE PROJECT: 27.01.2023

END OF THE PROJECT: 30.04.2024

BUDGET OF THE PROJECT: 1 279 150.00 BGN (654 029, 04 EUR)

Program Operator of the Home Affairs Program, Norwegian Financial Mechanism 2014-2021: International Projects Directorate, Ministry of Home Affairs

Norway grants

Main objective of the project: improving the national capacity of competent services and interested parties in Bulgaria, in the field of asylum and migration, to provide services to third-country nationals seeking international protection or granted temporary protection, with a special focus on vulnerable persons, as well as providing access to accommodation, social, psychological and legal assistance through individual consultations, in accordance with the needs of third-country nationals seeking international protection or granted temporary protection, as well as the possibility of including them in Bulgarian language training.

Project website: https://nafocusbg.eu/

National website of the Norwegian Financial Mechanism: www.norwaygrants.bg

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Norway grants

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