

NATIONAL ASSEMBLY

DECREE No. 162

Pursuant to Article 98, subparagraph 4 of the Constitution of the Republic of Bulgaria,

I DECREE:

that the Law on Asylum and Refugees, as adopted by the 39th National Assembly on 16 May 2002, be published in the State Gazette.

Published in Sofia on 27 May 2002.

President of the Republic: **Georgi Parvanov**

Sealed with the seal of state.

Minister of Justice: **Anton Stankov**

LAW ON ASYLUM AND REFUGEES

Chapter One

GENERAL PROVISIONS

Article 1. (1) This Law shall lay down the conditions and the procedure for granting special protection to aliens in the territory of the Republic of Bulgaria, as well as their rights and obligations.

(2) The special protection provided by the Republic of Bulgaria to aliens under this Law shall include asylum, refugee status, humanitarian status and temporary protection.

Article 2. (1) The President of the Republic of Bulgaria shall grant asylum.

(2) The Council of Ministers shall grant temporary protection in the event of mass influx of aliens under the conditions provided for in this Law or in implementation of the conclusions of the Executive Committee of the United Nations High Commissioner for Refugees and on an appeal launched by other international organizations.

(3) The Chairman of the State Agency for Refugees shall grant refugee status and humanitarian status under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, the international human rights protection instruments and this Law.

Article 3. (1) The Republic of Bulgaria shall fulfil its obligations under the **1951** Convention relating to the Status of Refugees and the **1967** Protocol relating to the Status of Refugees through its state authorities in cooperation with the United Nations High Commissioner for Refugees.

(2) The United Nations High Commissioner for Refugees shall, through his representative in the Republic of Bulgaria, have the right to information, as well as access to any stage of the Refugee Status Determination Procedure, humanitarian status and temporary protection. He may get acquainted with any file and give a written or oral opinion on each specific case.

Article 4. (1) Any alien may apply for protection in the Republic of Bulgaria in accordance with the provisions of this Law.

(2) The claim for granting protection shall be made personally and voluntarily.

(3) An alien who has entered the Republic of Bulgaria to seek protection or who has been granted protection may not be returned to the territory of a country where his life or freedom is threatened for reasons of race, religion, nationality, membership of a specific social group or political opinion and/or conviction, or where he faces a threat of torture or other forms of cruel, inhuman or degrading treatment or punishment.

(4) The rights under paragraph (3) may not be enjoyed by an alien who is seeking or has been granted protection and for whom there are grounds to consider that he is presenting a threat to the national security, or who, having been already convicted of a serious crime by a judgment that has come into effect, is presenting a threat to the community.

(5) An alien who has illegally entered the Republic of Bulgaria to seek protection, coming directly from a territory where his life and freedom have been threatened, shall without delay appear before the competent authorities and state good reasons for his illegal entry or stay in the territory of the country.

Article 5. Aliens who are seeking or have been granted protection in the Republic of Bulgaria shall have the rights and obligations provided for in this Law and shall bear civil, administrative penal and criminal responsibility under the procedure and conditions applicable to Bulgarian nationals.

Article 6. The powers under this Law shall be exercised by officials of the State Agency for Refugees. The latter shall establish all the facts and circumstances relevant to the procedure for granting special protection, and shall provide help and assistance to the aliens seeking such protection.

Chapter Two

TYPES OF SPECIAL PROTECTION

Article 7. Asylum is the protection, which the Republic of Bulgaria grants to aliens persecuted for reasons of their convictions or activity in advocating internationally recognised rights and freedoms.

Article 8. Refugee status in the Republic of Bulgaria shall be granted to an alien who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a specific social group or political opinion and/or conviction, is outside the country of his nationality or who, not having a nationality and being outside the country of his formal habitual residence, and for those reasons is unable or not willing to avail himself of the protection of that country or return thereto.

Article 9. (1) Humanitarian status shall be granted to an alien forced to leave or to stay outside his country of origin or residence for reasons of threat to his life, security or freedom as a result of violence arising out of situations such as armed conflicts, or who faces a threat of torture or other forms of inhuman or degrading treatment or punishment and who, for those reasons is unable or not willing to return to his country of origin or residence.

(2) Humanitarian status may also be granted for other humanitarian reasons or on other grounds stipulated in the Bulgarian legislation, as well as on the grounds indicated in the Conclusions of the Executive Committee of the United Nations High Commissioner for Refugees.

(3) The humanitarian status referred to in paragraphs (1) and (2) shall be granted on a temporary basis until the conditions for the granting thereof cease to exist.

Article 10. The status referred to in Article 9 shall also be granted to any alien who is in the territory of the Republic of Bulgaria and has been recognised as refugee under the mandate of the United Nations High Commissioner for Refugees.

Article 11. (1) Temporary protection shall be granted for a specific period in the event of mass influx of aliens who are forced to leave their country of origin or residence as a result of an armed conflict, civil war, foreign aggression, large-scale violations of human rights or violence in the territory of the relevant country or in a specific area thereof and who, for those reasons, cannot return there.

Chapter Three

GROUND FOR REFUSAL, CESSATION AND WITHDRAWAL OF PROTECTION AND FOR PROCEDURE SUSPENSION AND DISCONTINUANCE

Article 12. Refugee status or humanitarian status shall not be granted, and a refugee status or humanitarian status already granted shall be withdrawn with respect to an alien:

1. for whom there are serious grounds for considering that he has committed an act which pursuant to the Bulgarian legislation and the international treaties to which the Republic of Bulgaria is a party, is defined as a war crime or crime against peace and humanity;
2. for whom there are serious grounds for considering that he has committed a serious non-political crime outside the territory of the Republic of Bulgaria;
3. for whom there are serious grounds for considering that he commits or incites towards acts contrary to the purposes and principles of the United Nations Organisation;
4. who benefits from the protection or assistance provided by bodies or organisations of the United Nations other than the United Nations High Commissioner for Refugees;

5. with respect to whom the competent authorities of his country of residence have recognised the rights and obligations attaching to the nationality of that country.

Article 13. Refugee status or humanitarian status shall not be granted, and a refugee status or humanitarian status already granted shall be withdrawn with respect to an alien whose application is manifestly unfounded, where:

1. he invokes grounds that are outside the scope of this Law;
2. fails to state any reason for a well-founded fear of persecution;
3. the facts claimed by him do not contain a detailed description of the circumstances or personal details needed to clarify the case;
4. the application is manifestly lacking in any credibility, as the facts claimed by him are inconsistent, contradictory or fundamentally improbable;
5. presents himself under false identity, or uses forged or counterfeit documents, which during the procedure he continues to maintain are genuine;
6. either orally or in written form he deliberately submits false or conceals important information about his case;
7. in bad faith destroys, damages or disposes of any passport or another document or ticket relevant to his claim, either in order to establish a false identity, or to make the consideration of his application more difficult;
8. has been granted refugee status or has a pending refugee status determination procedure in another country where the conditions referred to in Article 8 do not exist with his respect;
9. having had ample earlier time and opportunity, submits the application in order to forestall an impending administrative measure “withdrawal of right to residence in the Republic of Bulgaria”, “coercive leading off to the border of the Republic of Bulgaria”, or “expulsion”;
10. fails to comply with substantive legal obligations relating to the procedure for granting refugee status;
11. the application has been rejected by another state-party to the Convention relating to the Status of Refugees of 1951 under the same procedural safeguards.

Article 14. The refugee status or humanitarian status determination procedure shall be suspended where the alien, without good reasons:

1. fails to appear for an interview within 10 working days, after having been duly invited to do so;
2. changes his address without giving notice to the State Agency for Refugees or the respective registration-reception centre;
3. refuses to cooperate with the officials of the State Agency for Refugees in clarifying the circumstances pertaining to his application.

Article 15. A refugee status or humanitarian status determination procedure shall be discontinued and a refugee status or humanitarian status already granted shall be withdrawn, where the alien:

1. may no longer refuse to avail himself of the protection of the country of his nationality or, if stateless, of the country where he permanently resides, as the circumstances that had given rise to fear of persecution have ceased to exist;
2. voluntarily avails himself of the protection of the country of his nationality or, if stateless, of the country where he has previously resided;
3. having lost his nationality, he has voluntarily re-acquired it, or has acquired new nationality in another country;
4. acquires Bulgarian nationality;
5. voluntarily wishes to return to the country where he has been persecuted or to leave for another country;
6. withdraws his application in accordance with the existing procedure;
7. fails to appear before the respective official of the State Agency for Refugees within three months after the procedure has been suspended in accordance with Article 14;
8. has deceased.

Article 16. Refugee status or humanitarian status may not be granted and the procedure may be discontinued, and the refugee status or humanitarian status already granted may be withdrawn due to non-existence of protection need, where the alien:

1. is a national of two or more countries, where regarding him the conditions referred to in Article 8 do not exist in one of this countries;
2. is a national of or, if stateless, has permanently resided in a country considered to be a safe country of origin where he enjoys effective protection;
3. **claims** that he has been persecuted in a specific geographical region, while he could unobstructed and with durability benefit from an internal flight alternative effective protection in his own country;

4. prior entering the Republic of Bulgaria in order to seek protection, has crossed or stayed in a safe third country where he has enjoyed effective protection;
5. holds or obtains a valid long-term or permanent residence permit in the Republic of Bulgaria, or a residence permit in another country where the conditions referred to in Article 8 do not exist with respect to that alien;
6. has married or marries a Bulgarian national;
7. has legally entered the country and resides temporarily and failed to declare within 72 hours as from his entry before a competent authority that he seeks protection, except for the cases where the delay is due to reasons beyond his control or where during his stay in the territory of the Republic of Bulgaria circumstances have occurred in the country of his nationality or, if stateless, in the country of his permanent residence, which gives him reasons to fear persecution within the meaning of Article 8;
8. has illegally entered the country and failed to declare without delay before a competent authority his wish to be granted protection, unless he has been prevented from doing so for good reasons;
9. his refugee or humanitarian status has been discontinued or withdrawn, or the status determination procedure in the Republic of Bulgaria already closed by a decision that has come into effect, or his status has been discontinued or withdrawn in a safe third country and regarding him no new circumstances have occurred, as referred to in Article 8.
10. to whom a refugee status has been granted or granting of such status is guaranteed in a safe third country by virtue of an agreement;
11. has a spouse who is national of another country or has been granted refugee status in another country in which the conditions referred to Article 8 do not exist with regard to the alien, and there are no obstacles for him to reunify with his family in that country;
12. has been forced out of the country in execution of an imposed coercive administrative measure "expulsion" or if the previously imposed measure "prohibition to enter the country" has not been reversed or dropped out;
13. has attempted to cross over the country border without the permission of the competent authorities or, with permission but not at the crossing points designated for that purpose.

Article 17. The refugee status or humanitarian status determination procedure shall be discontinued, where the alien concerned is granted asylum by the President.

Article 18. The President of the Republic of Bulgaria may withdraw asylum, if he deems that the circumstances substantiating the grant of asylum have changed or ceased to exist.

Article 19. The withdrawal or cessation of protection or the discontinuance of the procedure with respect to an alien shall not lead to withdrawal, cessation or change of the status of the other members of his family, unless appropriate grounds are established in their respect too.

Chapter Four

RIGHTS AND OBLIGATIONS OF ALIENS SEEKING OR GRANTED PROTECTION

Section I

General Conditions

Article 20. No restrictions shall be allowed with respect to the rights or privileges of aliens seeking or granted protection in the Republic of

Bulgaria, based on race, nationality, ethnic origin, sex, descent, religion, education, convictions, political affiliation, personal and social status or property status.

Article 21. Aliens seeking or granted protection shall be entitled to obtain Bulgarian identity document.

Article 22. Family members accompanying an alien in respect of whom a procedure for granting protection has been instituted or who has been granted protection shall have the same rights and obligations, unless special circumstances require otherwise.

Article 23. (1) Aliens seeking or granted protection shall be entitled to assistance and aid provided by the United Nations High Commissioner for Refugees and by previous government or non-governmental organisations at any stage of the procedure and after the protection has been granted.

(2) The State shall ensure conditions for provision of legal protection to aliens seeking asylum in the Republic of Bulgaria.

Article 24. Every alien seeking or granted protection shall have the right to profess a religion in accordance with the Constitution and laws.

Article 25. (1) A guardian or tutor shall be appointed, under the conditions and procedure laid down in the Law on Children Protection and the Family Code, for any unaccompanied minor or juvenile alien who seeks or has been granted protection and who is in the territory of the Republic of Bulgaria.

(2) The State Agency for Refugees shall accommodate the unaccompanied minor or juvenile aliens seeking or granted protection, until they come of age, at the specialised institutions with the Ministry of Health, the Ministry of Education and Science and the Ministry of Labour and Social Policy.

(3) The State Agency for Refugees shall exercise control and shall take measures for the protection of children against physical or mental torture, cruel, inhuman or degrading treatment.

(4) Until the accommodation referred to in paragraph (2), minor or juvenile aliens seeking protection shall be entitled to receive financial and material assistance from the State Agency for Refugees equivalent to that provided to adult aliens.

Article 26. Children below the age of 18 shall have the right to education at the state and municipal schools of the Republic of Bulgaria in accordance with the procedure established by the Chairman of the State Agency for Refugees and the Minister of Education and Science.

Article 27. The Chairman of the State Agency for Refugees may require the court to place under judicial interdiction a minor or adult alien

seeking or who has been granted protection, who cannot take care of his affairs because of mental deficiency or mental disorder.

Article 28. The aliens seeking or granted protection who reside in the territory of the Republic of Bulgaria must abide by and observe the Constitution and the laws.

Section II

Rights and Obligations of Aliens Seeking Protection during the Procedure

Article 29. (1) Pending the entrance into force of the decision referred to in Article 70, paragraph (1), subparagraphs 1 and 2, Article 75, paragraph (1) or Article 78, the alien seeking protection shall have the right:

1. to a translator or interpreter registered at the State Agency for Refugees, if the alien has no command of the Bulgarian language;
2. to receive a temporary refugee identity card;
3. to shelter and food at a transit or registration-and-reception centre;
4. to social assistance, psychological assistance, health insurance, accessible medical care and free use of medical services under the procedure and within the extent applicable to Bulgarian nationals.

(2) The accommodation referred to in paragraph (1), subparagraph 3 shall be handled by the State Agency for Refugees at a centre or another shelter after an assessment of the alien's health condition, family and financial status, under conditions and procedure set out by the Chairman of the State Agency for Refugees.

(3) During the procedure any single parent with many children and accompanied by at least three of the children under age shall be entitled to receive for one of them financial and material assistance, equivalent to that provided to an adult alien seeking protection, which shall be provided by the State Agency for Refugees.

Article 30. (1) During the procedure any alien seeking protection must:

1. follow the orders and refrain from hindering the officials to perform their duties;
2. submit all documents in his possession, and those of the children under age accompanying him, which may be used to establish their identity and nationality, as well as the way of their travelling and entering the Republic of Bulgaria;
3. where he does not possess the documents under subparagraph 2, he shall certify his identity, date and place of his birth and family status by means of a declaration, and the same information for children under age accompanying him, by means of declaration made before an official, for the accuracy of which he shall bear criminal responsibility under Article 313 of the Criminal Code;
4. observe the internal regulations of the transit, registration-and-reception and integration centres, participate in the activities related to

their maintenance, sanitation and improvement, as well as to preserve the property that has been given to him for use;

5. reside at addresses authorized by the State Agency for Refugees;

6. not enter the border area of the Republic of Bulgaria without due permission;

7. not leave the territory of the Republic of Bulgaria without the permission of the State Agency for Refugees;

8. cooperate for the clarification of his case by providing the respective competent officials with complete and reliable information.

Section III

Rights and Obligations of Aliens with Granted Protection

Article 31. The aliens in the Republic of Bulgaria who have been granted asylum or refugee status shall have equal rights and obligations.

Article 32. (1) After coming into force of the decision referred to in Article 75, paragraph (1), subparagraph 1, the refugee shall acquire the rights and obligations of a Bulgarian national with the exception of:

1. the right to participate in general and municipal elections, in national and regional referenda, as well as to participate in the establishment of political parties and be a member of such parties;

2. to hold positions for which Bulgarian nationality is required by law;

3. to be a member of the armed forces;

4. other restrictions explicitly laid down by law.

(2) A recognized refugee or an alien with humanitarian status may be provided with financial support for housing for a period of up to 6 months as from the date of coming into effect of the decision for status granting, under conditions and procedure laid down by the Chairman of the State Agency for Refugees in coordination with the Minister of Finance.

(3) A recognized refugee shall have the right to acquire real estate in the territory of the Republic of Bulgaria under the conditions and procedure provided for aliens.

Article 33. A recognized refugee or an alien with humanitarian status shall have the right to an identity card and to a foreign travel certificate, which shall be issued under the conditions and procedure laid down in the 1951 Convention relating to the Status of Refugees, the Law on Bulgarian Identity Documents, and this Law.

Article 34. (1) A recognized refugee shall have the right to request family reunification in the territory of the Republic of Bulgaria certifying by means of declaration signed by him stating that the circumstances referred to in Articles 12 and 13 do not exist with respect to his family members.

(2) The Chairman of the State Agency for Refugees shall grant permission for family reunification. Permission may be refused with

respect to a family member for whom some of the circumstances referred to in Articles 12 and 13 exist.

(3) Visas for the family members shall be issued, following the permission referred to in paragraph (2), granted by the Bulgarian diplomatic or consular representations.

Article 35. Any recognized refugee or an alien with humanitarian status shall be obliged, within 14 days after the receipt of the decision granting such status, to appear at the municipality in the area where he will establish himself, so that he could be entered into the register of population.

Article 36. Any alien with humanitarian status shall have the same rights and obligations as an alien holding a permanent residence permit in the Republic of Bulgaria.

Article 37. The bodies of local self-government and local administration shall accept in their territory and shall enter in the registers of population the aliens who have been granted refugee or humanitarian status, and their families, and shall provide them with an opportunity to enjoy the rights granted by this Law.

Article 38. Any alien who has been granted asylum or refugee status may acquire Bulgarian nationality under the conditions and the procedure laid down in the Law on Bulgarian Nationality.

Article 39. Aliens with respect to whom a temporary protection has been granted shall have the right:

1. to reside in the country for the entire duration of the temporary protection;
2. to an identity document;
3. to social security contributions;
4. to food, shelter and clothing, work, medical care and services under the procedure and conditions set in the act whereby temporary protection is granted .

Section IV

IDENTITY DOCUMENTS

Article 40. Aliens seeking or granted protection shall be issued the following types of identity documents:

1. temporary refugee certificate in accelerated procedure;
2. temporary refugee certificate;
3. refugee card;
4. card of an alien granted humanitarian status;
5. certificate of an alien granted temporary protection;
6. refugee foreign travel certificate;
7. foreign travel certificate of an alien granted humanitarian status;

8. alien's certificate of return to the Republic of Bulgaria.

Article 41. (1) A temporary refugee certificate in accelerated procedure shall be issued by the State Agency for Refugees for a term of one month to an alien for whom an accelerated refugee status determination procedure has been instituted.

(2) A temporary refugee certificate shall be issued by the State Agency for Refugees to an alien for whom a general refugee status determination procedure has been instituted.

(3) The validity term of the certificate referred to in paragraph (2) shall be three months. Pending the closure of the procedure by a decision that has come into effect, the validity term may be extended by another three months.

(4) No fees shall be charged for the issuance of the documents referred to in paragraphs (1) and (2) and for the extension of their validity as specified in paragraph (3).

Article 42. (1) The refugee foreign travel certificate shall give the holder thereof the right to leave and enter the Republic of Bulgaria within the term of its validity and under the conditions and procedure applicable to Bulgarian nationals to the extent to which no other requirements exist in the country of destination.

(2) The foreign travel certificate of an alien enjoying humanitarian status shall give the holder thereof the right to leave and enter the Republic of Bulgaria within the term of its validity, under the conditions and procedure applicable to aliens permanently residing in the Republic of Bulgaria.

Article 43. An alien who has been granted asylum in the Republic of Bulgaria shall be issued the documents referred to in Article 40, paragraphs (3), (6) and (8).

Article 44. The certificate of an alien granted a temporary protection shall be issued under the procedure set out in the act whereby temporary protection is granted.

Article 45. (1) The template identity documents issued by the State Agency for Refugees shall be approved by an act of the Council of Ministers and shall be promulgated in the State Gazette.

(2) The procedure and the conditions for the identity documents issuance and use that are not covered by this Section shall be governed by the Law on Bulgarian Identity Documents.

Chapter Five

SPECIALIZED STATE BODY AND ADMINISTRATION

Article 46. The Chairman of the State Agency for Refugees shall be a body of the executive power vested with special competence.

Article 47. (1) The State Agency for Refugees at the Council of Ministers shall be a legal person financed through the state budget and shall have its seat in Sofia with territorial units throughout the country.

(2) The territorial units of the State Agency for Refugees shall be:

1. transit centres: for registration, accommodation, medical examination, and carrying out of accelerated procedure with respect to aliens seeking protection;
2. registration-and-reception centres: for registration, accommodation, medical examination, social and medical support and carrying out of status determination procedures with respect to aliens seeking protection, pending the entrance into force of the decision on the application for protection;
3. integration centres: for providing Bulgarian language training, vocational qualification and other activities indispensable for the integration of aliens seeking or granted protection in the Republic of Bulgaria.

(3) The transit, registration-and-reception and integration centres shall be opened and closed down by the Council of Ministers on a proposal from the Chairman of the State Agency for Refugees in coordination with the Minister of Finance, the Minister of Interior, the Minister of Labour and Social Policy, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Regional Development and Public Works, and the Mayor of the respective municipality.

(4) The operation, the structure, the proceedings and the composition of the State Agency for Refugees and the units thereof shall be governed by Rules of Procedure adopted by the Council of Ministers.

Article 48. (1) The Chairman of the State Agency for Refugees shall:

1. grant, refuse, withdraw and discontinue refugee status and humanitarian status in the Republic of Bulgaria;
2. suspend and discontinue the status determination procedure;
3. decide on other applications filed by aliens with respect to whom status determination procedure has been opened or aliens who have been granted refugee or humanitarian status in the Republic of Bulgaria;
4. submit motivated proposals to the Council of Ministers for the issuance of acts on granting or cessation of temporary protection;
5. issue penalty warrants under the procedure provided in Chapter Eight;
6. approve the template documents issued by the State Agency for Refugees, except for the identity documents;
7. submit a proposal to the Council of Ministers for the approval of the template documents to be issued by the State Agency for Refugees;
8. designate the interviewing bodies of the State Agency for Refugees which shall conduct the accelerated procedure provided for in Chapter Six, Section II;

9. manage and allocate the funds from the budget, supervise their disbursement for specific purposes and set, in coordination with the Minister of Finance and the Minister of Labour and Social Policy, the expenditure thresholds for material and financial support to aliens seeking protection and to those granted refugee or humanitarian status.

(2) At the request of the President of the Republic of Bulgaria, the Chairman of the State Agency for Refugees shall give an opinion on any asylum application lodged.

(3) By 31 March every year, the Chairman of the State Agency for Refugees shall, in coordination with the Minister of Foreign Affairs, submit for approval by the Council of Ministers a list of safe countries of origin and a list of safe third countries with respect to those seeking protection.

Article 49. (1) The Chairman of the State Agency for Refugees shall be designated by a decision of the Council of Ministers and shall be appointed by the Prime Minister of the Republic of Bulgaria.

(2) The Chairman of the State Agency for Refugees must be a Bulgarian national who does not hold any other citizenship, and who has a university degree and not less than five years of work experience.

Article 50. (1) In the performance of his activities, the Chairman of the State Agency for Refugees shall be assisted by two deputy chairman.

(2) The deputy Chairman shall be appointed by the Prime Minister on a proposal from the Chairman of the State Agency for Refugees. The deputy chairman must be Bulgarian nationals who do not hold any other citizenship, and who have a university degree and not less than five years of work experience.

Article 51. The transit, registration-and-reception and integration centres shall be managed by directors.

Article 52. The Chairman of the State Agency for Refugees may delegate his powers under Article 48, paragraph (1), subparagraph 1, except for the power to withdraw status, and under subparagraphs 2, 3 and 5 to the deputy Chairman of the State Agency for Refugees.

Article 53. The State Agency for Refugees shall:

1. organise the reception and temporary accommodation of aliens seeking or granted protection in the territory of the Republic of Bulgaria and, in cooperation with the Bulgarian Red Cross and other non-governmental organisations, provide them with help and assistance to adapt to the Bulgarian conditions; organise Bulgarian language courses and vocational training courses;
2. organise, upon request of the President of the Republic of Bulgaria, the investigation and clarification of the facts and circumstances relating to a lodged asylum application;
3. issue documents for certification purposes;

4. organise, interacting with the central bodies of the executive power, the Bulgarian Red Cross and other non-governmental organisations, the activities relating to the provision of social, medical and psychological assistance for aliens seeking or granted protection; assist for the integration of aliens who have been granted protection;
5. promote, interacting with the bodies of the local self-government and local administration, the Bulgarian Red Cross and other non-governmental organisations, public awareness amongst the population and the legal persons on refugee problems, as well as shall organise charity events for material assistance;
6. develop independently or shall participate in the preparation of draft legal instruments and draft international agreements relating to the protection of aliens, and shall develop programs for integration of aliens seeking or granted protection in the Bulgarian society;
7. exercise, jointly with the central authorities of the executive power, the bodies of the local self-government and local administration, the Bulgarian Red Cross and other non-governmental organisations, the functions entrusted to it by the temporary protection action plan in the event of emergency situations and mass influx of aliens seeking protection;
8. cooperate with the United Nations High Commissioner for Refugees in the performance of its functions, shall facilitate the monitoring of the application of the provisions of 1951 Convention relating to the Status of Refugees and 1967 Protocol relating to the Status of Refugees, and shall provide information and statistical data;
9. cooperate with the national refugee services of the States Parties to the 1951 Convention relating to the Status of Refugees, with the International Organisation for Migration, the International Federation of Red Cross and Red Crescent Societies, the International Committee of the Red Cross, as well as with other international government and non-governmental organisations on refugee problems and migration;
10. delegate the launching of studies and analyses on refugee problems, organise conferences and seminars and release publications on the problems of refugees.

Article 54. (1) The State Agency for Refugees shall, jointly with the Ministry of Foreign Affairs, the International Federation of Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the non-governmental organisations, provide assistance to aliens seeking or granted protection before the authorities of another state or before an international body in view of providing them with the documents required to exercise their rights.

(2) Where an alien seeking or granted protection for objective reasons cannot be provided with a document under the procedure laid down in

paragraph (1), the State Agency for Refugees shall, based on the data established by it and a declaration signed by the alien, organise the issuance of a certificate. Based on the latter, the competent authorities shall issue a Bulgarian document that enables the alien concerned to exercise those rights.

(3) The documents issued in accordance with paragraph (2) shall substitute the official documents that are issued to aliens by or through the authorities of their countries.

(4) The foreign documents of education, qualification, academic degrees or ranks held by aliens seeking or granted protection shall be recognised in accordance with the domestic legislation and with the terms and conditions laid down in international treaties to which the Republic of Bulgaria is a party.

Article 55. Donations and grants received, as well as the funds received under international programs and agreements shall be credited to an extra-budgetary account of the State Agency for Refugees in accordance with Article 45, paragraph (2) of the Law on the State Budget Structure, and shall be used for the purposes, which they were provided for.

Article 56. (1) The State Agency for Refugees may, independently or jointly with the bodies of the local self-government and local administration, the Bulgarian Red Cross and other non-governmental organisations, organise auxiliary economic activities whereby the aliens seeking or who have been granted protection shall be offered an opportunity for vocational training and work.

(2) The activities referred to in paragraph (1) shall be financed through earmarked funds from the extra-budgetary account or from the state budget.

Article 57. The officials of the State Agency for Refugees shall certify their official capacity by means of an official card. The authorities of the state and local government and local administration shall be obliged to assist the officials of the State Agency for Refugees in the performance of their official duties.

Chapter Six
PROCEDURE
Section I

General Rules

Article 58. (1) Any alien who wishes to be granted asylum shall submit a written application to the President of the Republic of Bulgaria. Where the application is filed with another state authority, the latter must forthwith forward it to the President.

(2) The status determination procedure shall be initiated with the application of an alien seeking protection.

- (3) An alien may declare his wish to be granted protection before an official at the State Agency for Refugees.
- (4) Where the application referred to in paragraph (2) is filed with another state authority, the latter must forthwith forward it to the State Agency for Refugees.
- (5) Where the application is filed with a diplomatic or consular authority of the Republic of Bulgaria, that office shall notify the State Agency for Refugees. Upon receipt of the Agency's consent, the diplomatic or consular representation shall issue free of charge a visa of 15-day term of validity or, where appropriate, an alien's certificate of return to the Republic of Bulgaria. The applicant must appear at the nearest territorial unit of the State Agency for Refugees within three days after having entered the country.
- (6) The applicant must be guided in a language he understands, through the established requirements for filing the application, the procedure to be followed and his rights and obligations.
- (7) The authorities referred to in paragraphs (4) and (5) shall receive instructions issued jointly by the Chairman of the State Agency for Refugees and the Minister of Interior or the Minister of Foreign Affairs.
- Article 59. (1)** The application provided for in Article 58, paragraph (2) may be in a written, oral or any other form and, where appropriate, the presence of a translator or interpreter shall be ensured. An application, which is not made in writing, shall be recorded by the respective official and shall be signed or otherwise authenticated by the applicant and by the translator or interpreter, accordingly.
- (2) The application must state the reasons for leaving the country of origin or permanent residence, as well as the specific request to the Republic of Bulgaria.
- Article 60. (1)** The identity documents of the alien seeking protection shall be withheld by and kept at the State Agency for Refugees until the procedure is closed by a decision that has come into effect.
- (2) The officials of the State Agency for Refugees before whom the application has been made or to whom it has been forwarded may, in cooperation with the authorities of the Ministry of Interior, search the alien seeking protection, check the belongings carried by him, take fingerprints and record other identifying peculiarities under the conditions and procedure laid down by law, while at the same time respecting the alien's dignity.
- (3) The officials who perform the activities referred to in paragraph (2) shall be designated by an order of the Minister of Interior and the Chairman of the State Agency for Refugees.
- Article 61. (1)** The application provided for in Article 58, paragraph (1) shall be registered at the President's administration.

(2) The application provided for in Article 58, paragraph (2) shall be registered at the State Agency for Refugees.

(3) A personal file shall be opened for the alien seeking protection whom a temporary refugee certificate shall be issued.

Article 62. The President of the Republic of Bulgaria may grant asylum even if the requirements set out in Article 48, paragraph (2) and Article 53, paragraph (2) are not met.

Article 63. (1) The State Agency for Refugees shall have the right to collect information about the aliens seeking protection in order to establish the identity and clarify the circumstances relating to the application filed.

(2) The sources of information referred to in paragraph (1) may be both the aliens themselves and Bulgarian or foreign natural or legal persons.

(3) Collecting information about aliens from the official authorities of the countries where they have fled from shall not be allowed.

(4) The State Agency for refugees shall establish its own data base under a procedure set out by its Chairman, in compliance with the legislative instruments on the protection of personal data.

Article 64. The government agencies must provide the information requested by the State Agency for Refugees that is necessary to clarify the circumstances relating to the application filed.

Article 65. The information and documents related to the person of the alien seeking or granted protection, which have become known during the status determination procedure or during the alien's residence in the territory of the Republic of Bulgaria after the grant of status, shall constitute official secret. They shall be kept in the personal files and in the Agency's register and shall be used solely for the purposes of the procedure provided for in this Law or for the needs of the international cooperation between the States Parties to the 1951 Convention relating to the Status of Refugees.

Article 66. (1) The provisions of the Law on Foreign Nationals in the Republic of Bulgaria shall apply to any alien with respect to whom a decision has been passed for status refusal, cessation or withdrawal or whose procedure has been discontinued, provided that the relevant decision has come into effect.

(2) The State Agency for Refugees shall notify in writing its decision referred to in paragraph (1) to the Ministry of Interior, the Ministry of Foreign Affairs, the General Directorate for Citizens' Registration and Administrative Services of the Ministry of Regional Development and Public Works, and the authorities of local administration at the place of residence of the alien.

Article 67. (1) Coercive administrative measures, such as "deprivation of the right of residence", "forced taking away to the border", "expulsion"

and "prohibition to enter the country" shall not be enforced, unless the decision of the Chairman of the State Agency for Refugees has come into effect.

(2) The coercive administrative measures referred to in the above paragraph (1) shall be reversed, where the alien has been granted refugee status or humanitarian status.

(3) The foregoing paragraphs shall not apply, where there are grounds for considering that the alien seeking or granted protection presents a threat to the national security or if he, having been convicted of a serious crime by a judgment that has come into effect, constitutes a threat to the community.

Section II

Accelerated Procedure

Article 68. (1) The procedure provided for in this Section shall be carried out by an interviewing body at a transit or registration-and-reception centre until its completion in accordance with the provisions of Article 70, paragraph (1).

(2) Following the registration of the application, an interview with the person seeking protection shall be conducted and a transcript shall be drawn up. The transcript duly signed by the alien seeking protection and by the translator or interpreter, accordingly, shall be attached to the personal file.

(3) A woman seeking protection shall, upon her request be interviewed by an interviewing authority and/or translator or interpreter, accordingly, of the same sex.

Article 69. (1) A newly arrived alien, or an alien staying in the Republic of Bulgaria in violation of the statutory procedure, while seeking protection, shall be accommodated at a transit or registration-and-reception centre.

(2) Any alien seeking protection shall undergo a medical check and examinations and shall remain under quarantine until the results become known. Where necessary, he may be accommodated at a hospital.

(3) The accelerated procedure for aliens seeking protection, other than those referred to in paragraph (1), shall be carried out at a registration-and-reception centre, and the provisions of paragraphs (2) may not be applied.

Article 70. (1) Within 3 days as from the registration of the application, the interviewing body must take a decision:

1. to dismiss the application by virtue of Article 13 as manifestly unfounded;

2. to discontinue the procedure referred to in Article. 15, subparagraphs 5, 6, and 8, and Article. 16, subparagraph 10;

3. to admit the alien to the general procedure.

(2) In the cases referred to in paragraph (1), subparagraph 1 the decision must contain a pronouncement on the safety of the country to which the alien is to be returned.

(3) If no decision has been taken within the time limit set in paragraph (1), the procedure must continue as a general procedure and the alien's personal file shall be forthwith sent to the Chairman of the State Agency for Refugees.

(4) The decision referred to in paragraph (1) shall be served on the alien seeking protection and the rights and obligations arising from it shall be explained to him in a language he understands.

(5) A copy of the decision shall be forwarded to the Chairman of the State Agency for Refugees.

Article 71. The accelerated procedure shall not be applied to an unaccompanied minor or juvenile alien seeking protection.

Section III

General Procedure

Article 72. (1) The general procedure shall be carried out at a registration-and-reception centre after the decision referred to in Article 70, paragraph (1), subparagraph 3 has come into effect, and in the cases referred to in Article 70, paragraph (3) and Article 71.

(2) The alien seeking protection shall be accommodated at a registration-and-reception centre or another shelter at the expense of the State Agency for Refugees or of a non-governmental organisation.

(3) Where the alien seeking protection has funds, he may be permitted to stay at his own expense at an address of his own choice and he shall not receive financial and material assistance from the State Agency for Refugees.

Article. 73. (1) Interviews shall be conducted with the alien seeking protection for which transcripts shall be drawn up. The transcripts, duly signed by the alien seeking protection and by the translator or interpreter, accordingly, shall be enclosed to the personal file.

(2) A woman seeking protection shall, if she so wished, be interviewed by an interviewing body and/or translator or interpreter, accordingly, of the same sex.

Article 74. Within two months as from the start of the general procedure, the interviewing body shall draw up an opinion, which he/she shall

submit to the Chairman of the State Agency for Refugees together with the personal file.

Article 75. (1) The Chairman of the State Agency for Refugees shall, within one month as from the submission of the personal file, take a decision whereby:

1. he shall grant refugee status;
2. he shall refuse refugee status;
3. he shall grant humanitarian status;
4. he shall refuse humanitarian status.

(2) The lack of sufficient data of persecution shall be assessed in the light of the specific circumstances and may not form the sole grounds for a refusal to grant status.

(3) In the event of insufficiency of the data gathered for a specific case, the Chairman of the State Agency for Refugees may extend the time limit set in Article 74 up to three months.

(4) When taking the decision referred to in paragraph (1), subparagraphs 2 and 4, the Chairman of the State Agency for Refugees shall assess all the grounds for refusal.

(5) In his decision referred to in paragraph (1), subparagraphs 2 and 4, the Chairman of the State Agency for Refugees shall pronounce on the safety of the country to which the alien is to be returned.

Article 76. (1) A copy of the decision of the Chairman of the State Agency for Refugees shall be served on the alien seeking protection. The contents of the decision, as well as the rights and obligations arising from it, shall be explained to the alien in a language he understands.

(2) The service of the decision shall be certified by the signatures of the alien seeking protection and of the translator or interpreter, accordingly. The refusal of the alien to sign the decision shall be certified by the signatures of two witnesses.

(3) Where the decision is not served personally within 14 days as from the issuance thereof, the alien shall be sent a notice accompanied by an acknowledgement of receipt.

(4) In the event of failure to appear within 7 days as from receipt of the notice accompanied by an acknowledgement of receipt, the decision shall be deemed served.

(5) If the notice accompanied by an acknowledgement of receipt is returned to the State Agency for Refugees due to an impossibility to be served, the decision shall be deemed served.

Section IV

Suspension and Discontinuance of Status Determination Procedure.

Procedure to Withdraw and Cease Protection

Article 77. (1) The Chairman of the State Agency for Refugees shall, on a proposal by the respective interviewing body, suspend the status determination procedure pursuant to Article 14.

(2) The suspended procedure shall be resumed, if the alien seeking protection produces evidence that objective obstacles prevented him from appearing or cooperating with the officials.

Article 78. The Chairman of the State Agency for Refugees shall, on a proposal by the respective interviewing body or upon a request of the alien seeking or who has been granted protection, discontinue the status determination procedure, withdraw or cease the status, where the conditions provided in this Law exist.

Article 79. The decisions provided for in this Section, except for the decision to suspend the procedure, shall be served in accordance with Article 76.

Section V

Rules on Temporary Protection

Article 80. (1) Where the conditions set out in Article 11 exist, the Chairman of the State Agency for Refugees shall, in coordination with the Minister of Foreign Affairs and the Minister of Interior, make a proposal to the Council of Ministers to order temporary protection.

(2) The proposal referred to in paragraph (1) shall:

1. specify the groups of aliens to whom the temporary protection shall apply;
2. specify the date on which the temporary protection is to come into effect and its duration;
3. assess the reasons of and the expectations for the mass influx;
4. describe the measures to be undertaken.

Article 81. The act whereby temporary protection is ordered must specify:

1. the circumstances referred to in Article 80, paragraph (2);
2. the way in which the temporary protection is to be financed;
3. the organisation and the functions of a temporary operational body in charge of implementing the temporary protection measures;
4. the type of identity document and the procedure for the issuance thereof;
5. the conditions and procedure for providing food, shelter, clothing, work, medical care and services.

Article 82. (1) Temporary protection shall be provided for a term of up to one year.

(2) The temporary protection may be extended by an act of the Council of Ministers for up to one year.

(3) The temporary protection shall be ceased upon the expiration of the time limit for which it is ordered.

(4) The Council of Ministers may cease the temporary protection on a proposal by the Chairman of the State Agency for Refugees, where the reasons for such protection no longer exist.

Article 83. The temporary operational body shall draw up an action plan which shall be implemented in cooperation with the representative of the United Nations High Commissioner for Refugees, the International Organisation for Migration, the Bulgarian Red Cross and other international and Bulgarian non-governmental organisations.

Chapter Seven JUDICIAL CONTROL

Section I

Appeal against Decisions in Accelerated Procedure

Article 84. (1) The decisions provided for in Article 70, paragraph (1), subparagraphs 1 and 2 may be appealed against, within 7 days as from the service thereof, before the respective district court in the area where the alien seeking protection resides.

(2) The appeal referred to in paragraph (1) shall be lodged in writing through the respective territorial unit of the State Agency for Refugees which shall forthwith submit the appeal, together with the personal file, to the court. The court shall institute the proceedings within 3 days after receipt of the appeal.

(3) The appeal lodged shall suspend the enforcement of the decision.

Article 85. (1) The district court shall hear the appeal in an open hearing after having summoned the parties and shall deliver its judgement within one month as from the institution of the proceedings. In such cases the parties must be summoned three days before the hearing at the latest.

(2) If the court reverses the decision appealed and remits the case with mandatory instructions as to its re-examination, the interviewing body in the accelerated procedure shall be obliged to make a new decision within the time limit set in Article 70, paragraph (1).

(3) Where the court upholds a decision that has been appealed, the latter shall be enforced.

(4) The judgement of the district court shall not be subject to appeal before a court of cassation.

Article 86. The relevant provisions of the Law on Administrative Procedure and of the Code of Civil Procedure shall apply to all matters not covered by this Section.

Section II

Appeal in General Procedure

Article 87. The decisions referred to in Article 75, paragraph (1), subparagraphs 2 and 4, and Article 78, and the refusal referred to in Article 34, paragraph (2) shall be subject to appeal before the Supreme Administrative Court within 14 days as from the service thereof.

Article 88. The appeal shall be lodged through the Chairman of the State Agency for Refugees. The appeal lodged shall suspend the enforcement of the decision.

Article 89. The Chairman of the State Agency for Refugees shall forward the appeal and the personal file to the Supreme Administrative Court within 3 days as from receipt of the appeal.

Article 90. (1) The Supreme Administrative Court shall hear the appeal within one month in an open hearing and after having summoned the parties.

(2) Where the Supreme Administrative Court repeals the decision appealed and remits the file with mandatory instructions as to its re-examination, the Chairman of the State Agency for Refugees must make a new decision within 14 days.

(3) The decision of the court shall be subject to a cassation appeal.

Article 91. The provisions of the Law on Administrative Procedure, the Law on the Supreme Administrative Court and the Code of Civil Procedure shall apply to all matters not covered by this Section.

Article 92. The proceedings under this Chapter shall be exempt from state fees and from payment of any other costs.

Chapter Eight

ADMINISTRATIVE PENAL LIABILITY

Article 93. (1) An alien seeking protection, shall be liable to a fine from BGN 20 to 100, where he:

1. fails to follow, without good reason, an order of an official relating to the procedure for granting protection;
2. violates the internal regulations in the transit, registration-and-reception and integration centres.

(2) An alien seeking protection shall be liable to a fine from BGN 50 to 200, where he:

1. loses, damages or destroys a temporary refugee certificate or a temporary certificate of a refugee issued by the State Agency for Refugees in accelerated procedure;
2. has left without permission the address indicated by the State Agency for Refugees;
3. damages or destroys items that he has been provided to use.

(3) Where the offences referred to in the foregoing paragraphs (1) and (2) are repeated, the penalty shall be:

1. a fine from BGN 20 to 200 , for an offence provided for in paragraph (1);
2. a fine from BGN 50 to 300 , for an offence provided for in paragraph (2).

(4) In the cases referred to in the foregoing paragraphs (2) and (3) the offender shall also cover the cost of the destroyed item.

Article 94. An alien who fails to fulfil his obligation provided for in Article 58, paragraph (5) shall be liable to a fine from BGN 20 to 100.

Article 95. (1) The non-observance of the provisions of this Law shall be established by statements of offence drawn up by officials of the State Agency for Refugees designated by an order of the Chairman thereof, and, in the event of offences provided for in Article 93, paragraph (2), subparagraph 1, also by the bodies of the Ministry of Interior designated by the Minister of Interior.

(2) Based on the statements of offence drawn up, the Chairman of the State Agency for Refugees or a deputy Chairman explicitly authorised by the Chairman or a director of a territorial unit shall issue penalty warrants.

(3) The drawing up of statements of offence, the issuance, appeal and enforcement of penalty warrants shall be governed by the Law on Administrative Offences and Penalties.

ADDITIONAL PROVISION

§ 1. For the purposes of this Law:

1. "Alien seeking protection" shall mean a person who has expressed before a government agency his wish to be granted special protection in accordance with this Law, until the close of the proceedings by a decision that has come into effect.
2. "Family members" shall mean the husband, the wife and the children who have not come of age, where the latter are not married. The parents of each spouse who are not able to take care of themselves due to old age or a serious illness or contusion, and need to live in the same household as their children shall also have the rights of family members provided for in this Law.
3. "Unaccompanied" shall mean a minor or juvenile alien who is in the territory of the Republic of Bulgaria and who is not accompanied by his parent or another relative of a direct line of descent up to the second degree, or of a collateral line of descent up to the third degree included.
4. "Safe country of origin" shall mean a country where the life and the freedom of the alien seeking protection are not threatened and where he is not endangered by persecution, torture or inhuman or degrading treatment or punishment.
5. "Safe third country" shall mean a country, where:
 - a) the life and the freedom of the alien seeking protection are not threatened and he is not endangered by persecution, torture or inhuman or degrading treatment;
 - b) the alien seeking protection has been granted protection or has had the opportunity to be granted protection, or clear evidence exist that he may be admitted;
 - c) the alien seeking protection is protected against refoulement of aliens to the territory of a country, where conditions for such persecution and danger to his rights exist.
6. "Reasons beyond control" shall mean natural disasters, accidents, catastrophes, pillages and events which require emergency medical care, and other events which have occurred notwithstanding the will of the alien seeking protection and which he could not have foreseen or prevented.
7. "Repeated" shall be the offence committed within 3 months as from the coming into effect of a penalty warrant whereby a penalty was imposed on the offender for another offence of the same type.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. This Law shall enter into force six months following its publication in the State Gazette and shall repeal the Law on Refugees (published, SG No. 53/1999; corr., SG No. 97/1999; as amended, SG No. 45/2002).

§ 3. The State Agency for Refugees within the authority the Council of Ministers shall be the successor to the Agency for Refugees within the authority the Council of Ministers.

§ 4. Pending the entry into force of this Law the proceedings initiated shall be examined in accordance with the existing procedure.

§ 5. Pending the opening of transit and registration-and-reception centres, the accelerated procedure provided for in Chapter Five, Section II shall be conducted at places designated by the Chairman of the State Agency for Refugees in coordination with the Minister of Regional Development and Public Works and the Minister of Interior.

§ 6. The Law on Bulgarian Identity Documents (SG No. 93/1998; as amended, SG Nos. 53, 67, 70 and 113/1999; as amended, SG No. 108/2000; as amended, SG No. 42/2001; as amended, SG No. 45/2002) shall be amended, as follows:

1. In Article 1, paragraph (2), the conjunction “and” shall be replaced by a comma and the phrase “and communications and the State Agency for Refugees within the authority of the Council of Ministers” shall be added after the words “Ministry of Transport”.

2. A new paragraph (3) shall be inserted in Article 8:

“(3) Where the application provided for in paragraph (2) refers to an identity document of an alien seeking or who has been granted protection in accordance with the Law on Asylum and Refugees, the relevant service of the Ministry of Interior shall forthwith notify the State Agency for Refugees or the nearest territorial unit thereof.”

3. In Article 9, paragraph (2), the conjunction “and” shall be replaced by a comma, and the phrase “and the card of an alien enjoying humanitarian status” shall be added after the words “the refugee card”.

4. In Article 14:

a) Subparagraph (4) shall be amended, as follows:

“4. temporary refugee certificate and temporary certificate of a refugee within a summary procedure”;

b) New subparagraphs 10, 11 and 12 shall be inserted:

“10. card of an alien enjoying humanitarian status;

11. certificate of an alien enjoying temporary protection;

12. foreign travel certificate of an alien enjoying humanitarian status.”

5. In Article 21, paragraph (1), a second sentence shall be inserted:

“Where the aliens seeking or who have been granted protection do not hold such documents, their names shall be written in the sequence they have specified in a declaration signed before the competent authority.”

6. Article 55 shall be amended, as follows:

- a) The existing text shall become paragraph (1);
- b) A new paragraph (2) shall be inserted:
 “(2) A temporary refugee certificate shall be issued forthwith after the start of the status determination procedure. A temporary refugee certificate shall also be issued to an alien who is under the age of 14 and who is not accompanied by a major member of his family.”
7. In Article 57, paragraph (2), the words “aliens seeking refugee status” shall be replaced by “aliens seeking or granted protection in accordance with the Law on Asylum and Refugees”.
8. In Article 58 a comma shall be inserted after the word “country” and the following shall be added: “except for an alien holding a temporary refugee certificate”.
9. Article 59 shall be amended, as follows:
- in paragraph (1):
- a) Subparagraph 3 shall be amended, as follows:
 “3. a temporary refugee certificate shall be issued by the State Agency for Refugees to aliens with respect to whom a general refugee status determination procedure has been opened, while a temporary certificate of a refugee in accelerated procedure shall be issued by the State Agency for Refugees to aliens with respect to whom accelerated refugee status determination procedure has been opened, the term of validity of such certificates being as set out in the Law on Asylum and Refugees;”
- b) In subparagraph 4, after the words “refugee status”, the words “or asylum” shall be added and “3” shall be replaced by “5”;
- c) In subparagraph 5, an indent and the following text shall be added after the word “refugee”: “shall be issued by the bodies of the Ministry of Interior to an alien who has been granted refugee status or asylum, and shall be valid for a term of up to 5 years, however shall not exceed the validity term of the refugee card”;
- d) New subparagraphs 9, 10 and 11 shall be inserted:
 “9. card of a refugee enjoying humanitarian status shall be issued by the bodies of the Ministry of Interior to an alien who has been granted humanitarian status, and the said card shall be valid for up to 3 years;
 10. certificate of an alien enjoying temporary protection shall be issued to aliens who have been granted temporary protection under the terms and procedure specified in the act ordering temporary protection;
 11. foreign travel certificate of an alien enjoying humanitarian status shall be issued by the bodies of the Ministry of Interior to an alien who has been granted humanitarian status, and such certificate shall be valid for up to 3 years, however not exceeding the validity term of the card of the alien enjoying humanitarian status.”
- Paragraph (2) shall be amended, as follows:

“(2) An alien’s certificate of return to the Republic of Bulgaria shall be issued to a stateless person or to an alien who has been granted protection in the Republic of Bulgaria who has lost abroad his Bulgarian identity document referred to in paragraph (1), subparagraphs 5, 6 and 11. The same document shall be issued to an alien in accordance with Article 34, paragraph (3) and Article 58, paragraph (5) of the Law on Asylum and Refugees, where that alien does not hold valid national foreign travel documents.”

10. In Article 60, a comma and the following text shall be added in fine: “except for the documents provided for in Article 59, paragraph (1), subparagraph 3;

11. A new Article 60a shall be inserted:

“Article 60a. The term of validity of a refugee foreign travel certificate and of a foreign travel certificate of an alien enjoying humanitarian status may be extended by a Bulgarian diplomatic or consular representation, in coordination with the State Agency for Refugees.”

12. Article 61 shall be amended, as follows:

a) in paragraph (2), the words “granted refugee status” shall be replaced by “granted asylum, refugee status or humanitarian status”;

b) paragraph (3) shall be amended, as follows:

“(3) The current address shall be entered in the identity documents of aliens residing in the country on a long-term basis or of those undergoing a pending refugee status determination procedure.”

13. Article 62 shall be amended, as follows:

a) the existing text shall become paragraph (1);

b) a new paragraph (2) shall be inserted :

“(2) An alien seeking or granted protection shall not be required to produce the document referred to in the foregoing paragraph, where he has entered the country without documents.”

14. The Transitional and Final Provisions shall be amended, as follows:

a) A new § 9b shall be inserted:

"§ 9b. All identity documents of the aliens undergoing a pending refugee status determination procedure, or documents of refugees, issued before the entry into force of the Law on Asylum and Refugees, shall be valid until the expiration of the term which they have been issued for.”

b) In § 21, a comma shall be inserted after the words “aliens and refugees” and the following shall be added: “issued by the bodies of the Ministry of Interior”.

c) In § 23 , the conjunction “and” shall be replaced by a comma and the phrase “and communications and the Chairman of the State Agency for Refugees” shall be added after the words “Minister of Transport”.

§ 7. The Law on Foreign Nationals in the Republic of Bulgaria (published, SG No. 153/1998, as amended, SG No. 70/ 1999, as amended,

SG Nos. 42 and 112/2001, as amended, SG No. 45/2002) shall be amended, as follows:

1. In Article 7, a comma shall be inserted after the word “foreign nationals” and the word “refugees” shall be replaced by “seeking or granted protection”.
2. Article 28a, paragraph (1), the words “refugee status” shall be replaced by “protection in accordance with the Law on Asylum and Refugees”, and the sentence “The actions in fact and in law related to obtaining the permit shall be carried out by the Agency for Refugees” shall be deleted.
3. In Article 44, paragraph (1), the words “Agency for Refugees” shall be replaced by “State Agency for Refugees”.

§ 8. The Law on Registration of Citizens (published, SG No. 67/1999; as amended, SG Nos. 28 and 37/2001) shall be amended, as follows:

1. In Article 3, paragraph (2), subparagraph 2, item (c), the phrase “or humanitarian status” shall be added after the word “refugee”;
2. Article 26, paragraph (2), subparagraph 2 shall be amended, as follows: “2. Temporary refugee certificate or notice of birth of a child from parents who enjoy refugee or humanitarian status;”
3. In Article 52, a comma shall be inserted after the word “nationality” and the words “or enjoying refugee status” shall be replaced by “enjoying refugee or humanitarian status”.

§ 9. Article 70 of the Law on Employment Promotion (published, SG No. 112/2001) shall be amended, as follows:

“(3) No work permit shall be required with respect to aliens permanently residing in the Republic of Bulgaria or aliens granted asylum, refugee status or humanitarian status.”

§ 10. Article 4, subparagraph 6 of the Law on the Bulgarian Red Cross (published, SG No. 87/1995; as amended, SG No. 44/1999) shall be amended, as follows:

“6. assist the aliens seeking or granted protection in the Republic of Bulgaria in accordance with the Law on Asylum and Refugees;”.

§ 11. The Law on Health Insurance (published, SG No. 70/1998; as amended, SG Nos. 93 and 153/1998; as amended, SG Nos. 62, 65, 67, 69, 110 and 113/1999; as amended, SG Nos. 1, 31 and 64/2000; as amended, SG No. 41/2001; as amended, SG No. 1/2002) shall be amended, as follows:

1. In Article 33, subparagraph 4, a comma shall be inserted after the word “refugee” and the words “humanitarian status” shall be added.
2. Article 34 shall be amended, as follows:
 - a) In paragraph (1), subparagraph 3, the words “under Article 33, subparagraph 3” shall be replaced by “under Article 33, subparagraph (4)”;

b) In paragraph (2):

- A new subparagraph 2 shall be inserted:

“2. for the persons referred to in Article 33, subparagraph 4 - as from the date of opening the procedure for granting refugee status or right of asylum;”;

- the existing subparagraph 2 shall become subparagraph 3.

§ 12. In Article 13a of the Law on Bulgarian Nationality (published, SG No. 136/1998; as amended, SG No. 41/2001) the wording "or asylum" shall be added after the word "refugee".

§ 13. The implementation of this Law shall be entrusted to the Council of Ministers.

This Law was adopted by the 39th National Assembly on 16 May 2002, and was sealed with the official seal of the National Assembly.

Chairman of the National Assembly:
Ognyan Gerdjikov