

LAW FOR THE ASYLUM AND THE REFUGEES

Prom. SG. 54/31 May 2002, amend. SG. 31/8

Apr 2005

Chapter one. GENERAL

Art. 1. (1) This law settles the conditions and the order of providing special protection to foreigners on 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 foreigners according to this law includes asylum, refugee status, humanitarian status and temporary protection.

Art. 2. (1) The President of the Republic of Bulgaria shall provide asylum.

(2) The Council of Ministers shall provide temporary protection in cases of massive entry of foreigners under the conditions of this law or in fulfilment of the conclusions of the Executive Committee of the High Commissioner of the United Nations Organisation for the foreigners and upon an appeal of other international organisations.

(3) The chairman of the State Agency for the Refugees shall provide a refugee status and a humanitarian status by virtue of the Convention for the refugees status of 1951 and the Statement for the refugees status of 1967, of the international acts on the protection of the human rights and of this law.

Art. 3. (1) The Republic of Bulgaria shall fulfil its obligations under of the Convention for the refugees status of 1951 and the Statement for the refugees status of 1967 through its state bodies, in co-operation with the High Commissioner of the United Nations Organisation for the refugees.

(2) The High Commissioner of the United Nations Organisation for the refugees, through his representative in the Republic of Bulgaria, shall have the right to information, as well as to access to each stage of the proceedings for providing refugee status, humanitarian status and temporary protection. He can be introduced to each specific case and give written or verbal opinion on it.

Art. 4. (1) Every foreigner can request protection provided in the Republic of

Bulgaria in compliance with the provisions of this law.

(2) The request for providing protection shall be made personally and by own will.

(3) A foreigner who has entered the Republic of Bulgaria in order to seek protection, or who has received protection, cannot be returned to the territory of a country where his life or freedom are threatened for reason of race, religion, nationality, belonging to a definite social group or political opinion and/or conviction, or he has been exposed to a danger of torture or other forms of cruel, inhuman or humiliating attitude or punishment.

(4) The rights under para 3 cannot be exercised by a foreigner seeking or having received protection, for whom there are grounds to consider that he poses a danger for the

national security or who, once convicted by an enacted sentence for a severe crime poses a threat for the society.

(5) A foreigner who has entered the Republic of Bulgaria not by the legal order for the purpose of seeking protection, arriving directly from a territory where his life and freedom have been threatened, shall be obliged to present himself immediately to the competent bodies and point out valid reasons for his illegal entry or stay on the territory of the country.

Art. 5. The foreigners seeking and having received protection in the Republic of Bulgaria shall have the rights and the obligations according to this law and shall bear civil, administrative and penal responsibility under the conditions and by the order valid for the Bulgarian citizens.

Art. 6. The legal capacities under this law shall be exercised by officials of the State Agency for the Refugees. They shall establish all facts and circumstances of importance for the proceedings for providing special protection and assistance to foreigners seeking protection.

Chapter two. TYPES OF SPECIAL PROTECTION

Art. 7. Asylum is the protection provided by the Republic of Bulgaria to foreigners who are victimised for reasons of their convictions or activity in defence of internationally recognised rights and freedoms.

Art. 8. (1) (prev. art. 8 ? SG 31/05) Status of refugee in the Republic of Bulgaria shall be provided to a foreigner who has valid reasons to fear from victimisation due to his race, religion, nationality, belonging to a definite social group or political opinion and/or conviction, who is outside the country whose citizen he is, or if has no citizenship and he is staying out of the country of his permanent residence and for this reason he cannot or does not want to use the protection in this country or return to it.

(2) (new ? SG 31/05) As refugees shall be considered the spouse of a foreigner with conceded statute of refugee and their minor and under-aged not married children as far as this is compatible with their individual statute.

(3) (new ? SG 31/05) When a foreigner with conceded statute of refugee marries to another foreigner he can acquire statute of refugee only on own grounds.

Art. 9. (1) Humanitarian status shall be provided to a foreigner compelled to leave or remain outside the country of origin or residence for reason of threat for his life, security or freedom due to violence occurring in situations, such as an armed conflict, as well as when he is exposed to a danger of torture or other form of inhuman or humiliating attitude or punishment, and for these reasons he cannot or does not want to return to his country of origin or residence.

(2) Humanitarian status can also be provided for other reasons of humanitarian nature or on other grounds stipulated by the Bulgarian legislation, as well as for reasons stipulated by the conclusions of the Executive Committee of the High Commissioner of the United Nations



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Organisation for the refugees.

(3) The humanitarian status under para 1 and 2 shall be provided temporarily until the conditions for its providing die out.

Art. 10. The status under art. 9 shall also be provided to a foreigner staying on the territory of the Republic of Bulgaria, recognised as a refugee by the mandate of the High Commissioner of the United Nations Organisation for the refugees.

Art. 11. Temporary protection shall be provided for a definite period in case of a massive entry of foreigners compelled to leave their country of origin or residence due to an armed conflict, civil war, foreign aggression, violation of the human rights or violence in large proportion on the territory of the respective country or in an individual region of it, and for these reasons they cannot return there.

Chapter three. GROUNDS FOR REFUSAL, TERMINATION AND REVOKING PROTECTION AND FOR STOPPING AND ABATEMENT OF THE PROCEEDINGS

Art. 12. Status of a refugee or humanitarian status shall not be provided and a provided status of a refugee or a humanitarian status shall be revoked of a foreigner:

1. for whom enough evidence exists to suppose that he has committed an act which, according to the Bulgarian laws and the international agreements party to which is the Republic of Bulgaria, is determined as a war crime or as a crime against the peace and mankind;
2. for whom there are enough reasons to suppose that he has committed a severe crime of non-political nature outside the territory of the Republic of Bulgaria;
3. for whom serious grounds exist that he is committing or rousing to actions contradicting the goals and the principles of the United Nations Organisation;

4. who uses the protection or the aid of bodies or organisations of the United Nations Organisation different from the High Commissioner of the United Nations Organisation for the refugees;

5. regarding whom the competent bodies in the country of his permanent residence have acknowledged such rights and obligations as those ensuing from the citizenship of this country.

Art. 13. (amend. SG 31/05) (1) The application of a foreigner for conceding status of

a refugee or a humanitarian status shall be rejected as obviously ungrounded when:

1. it refers to grounds beyond the subject of this law;
2. it points out no reasons of grounded fear of victimisation;
3. the facts he claims do not contain a detailed description of the circumstances or
personal details for clarification of the case;
4. the request is obviously unlikely since the facts claimed by him are inconsistent, contradictory or completely improbable;
5. he presents himself by a false identity or uses false, forged document or document

with untrue contents for which, during the proceedings, he continues to claim that they are genuine;

6. deliberately, verbally or in writing, he presents untrue, or withholds a substantial information regarding his case;

7. unscrupulously destroys, damages or disposes with a passport, other document or a ticket related to his assertion in order to present himself with a false identity or to embarrass the considering of the request;

8. has a refugee status or there are opened proceedings for providing refugee status in another country where, regarding him, the conditions of art. 8 are not present;

9. after having had enough time and possibilities files his application in order to frustrate the execution of the imposed compulsory administrative measure "revoking of the right to stay in the Republic of Bulgaria", "compulsory taking to the border of the Republic of Bulgaria" or "expulsion";

10. does not observe substantial obligations related to the proceedings for providing

status;

11. the request has been rejected by another country – party to the Convention for the refugees status of 1951 under the same procedural guarantees.

(2) The grounds of para 1, items 5, 6, 7, 9, 10 and 11 shall be applied when the conditions of art. 8, para 1 and art. 9, para 1 do not exist.

Art. 14. The proceedings for providing refugee status or humanitarian status shall be stopped when the foreigner, without valid reasons:

1. after a regular invitation does not appear for an interview within a period of 10 work days;

2. changes his address without informing about that the State Agency for the Refugees or the respective registration accepting centre;

3. refuses to co-operate with the officials of the State Agency for the Refugees for clarifying the circumstances related to his request.

Art. 15. (amend. SG 31/05) The proceedings for providing refugee status or humanitarian status shall be terminated when the foreigner:

1. can no longer refuse the protection of the country whose citizen he is, or if he has no citizenship - of the country of his permanent residence due to the fact that the circumstances giving rise to the fear of victimisation are no longer existing;
2. voluntarily avails himself of the protection of the country whose citizen he is, or if he has no citizenship - of the country of his previous residence;
3. after having once lost his citizenship he has acquired it anew or has received a new citizenship in another country;
4. acquires Bulgarian citizenship;
5. voluntarily requests to return to the country where he has been victimised or leave for another country;
6. withdraws his application by the due order;
7. does not appear before the respective official of the State Agency for the Refugees within a period of three months from stopping the proceedings under art. 14; 8. dies;
9. (new ? SG 31/05) receives asylum by the President.

Art. 16. (amend. SG 31/05) (1) The proceedings for conceding status of refugee or humanitarian status may be terminated due to lack of a necessity of protection when the foreigner:

1. is a citizen of two or more countries, when regarding him the conditions of art. 8 are not present in one of them;

2. is a citizen of a country or, if he has no citizenship and has permanently lived in a country considered a secure country of origin where he has an effective protection;

3. claims that he has been victimised in a definite geographic region whereas he can, without no obstruction and permanently use effective protection in another part of his own country where he could go;

4. before entering the Republic of Bulgaria, seeking its protection, he has passed through or has stayed in a third safe country where he has had an effective protection;

5. has or obtains a valid permit for permanent stay in the Republic of Bulgaria or for a stay in another country where, regarding the foreigner, the conditions of art. 8, para 1 are not present;

6. has married or marries a Bulgarian citizen;

7. has entered the country and stays temporarily by the legally established order and within reasonable term after the entering he does not declare before a competent body that he requests protection, except in the cases when the delay is for reasons beyond his responsibility or when, during his stay on the territory of the Republic of Bulgaria circumstances have occurred giving rise to a fear of victimisation in the context of art. 8, para 1 in the country whose citizen he is, or if he has no citizenship - in the country of his permanent residence;

8. has entered the country not by the legally established order and does not declare immediately before a competent body his wish to receive protection unless valid reasons have obstructed his doing that;

9. has a terminated or revoked refugee status or humanitarian status or the proceedings for providing a status in the Republic of Bulgaria has been concluded by an enacted decision or his status has been terminated or revoked in a third safe country and, regarding him, there are no newly occurred circumstances in the context of art. 8, para 1 and art. 9;

10. to whom a refugee status has been provided or by virtue of a contract the providing of such a status has been guaranteed in a third safe country;

11. has a spouse who is a citizen of another country or who has a refugee status in another country where, regarding the foreigner, the conditions of art. 8, para 1 are not present, and there are no obstacles for him to join his family in this country;

12. has been taken out of the country by compulsion in fulfilment of a compulsory administrative provision "expulsion" or before that the provision "prohibition of entering the country" has not been revoked or dropped and regarding him the conditions of art. 8, para 1 are not present;

13. he has made an attempt to exit the country through the border without a permit of the respective bodies of the authority or by a permit, but not through the places determined for that and regarding him the conditions of art. 8, para 1 are not present.

(2) The circumstances of para 1, items 7 and 8 cannot be only ground for termination of the proceedings for providing status.

Art. 17. (amend. SG 31/05) (1) Provided status of refugee or humanitarian status shall



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be terminated when with regard to the foreigner is established the existence of ground under art. 15, items 1 ? 4 and item 9.

(2) Provided status of refugee or humanitarian status shall be divested when with regard to the foreigner is established the existence of ground under art. 13, para 1, items 5 and 6.

Art. 18. The President of the Republic of Bulgaria can revoke asylum when he deems that the circumstances for its providing have changed or dropped.

Art. 19. The revoking or the termination of protection or termination of the proceedings regarding a foreigner shall not revoke, terminate or change the status of the other members of his family unless the respective grounds are established for them as well.

Chapter four. RIGHTS AND OBLIGATIONS OF FOREIGNERS SEEKING OR HAVING RECEIVED PROTECTION

Section I. General

Art. 20. Not admitted shall be restrictions of the rights or privileges of foreigners seeking or having received protection in the Republic of Bulgaria based on race, nationality, ethnic belonging, sex, origin, religion, education, convictions, political belonging, personal and public status or proprietary status.

Art. 21. The foreigners seeking or having received protection shall be entitled to Bulgarian identification documents.

Art. 22. Members of the family accompanying a foreigner for whom proceedings for providing protection have been opened or to whom protection has been provided shall have the same rights and obligations unless special circumstances require otherwise.

Art. 23. (1) Foreigners seeking or having received protection shall be entitled to assistance and aid on the part of the High Commissioner of the United Nations Organisation for the refugees and of other governmental or non-governmental organisations at every stage of the proceedings and after the protection is provided.

(2) The state shall provide conditions for obtaining legal defence of foreigners seeking protection in the Republic of Bulgaria.

Art. 24. Every foreigner seeking or having received protection shall have the right to profess religion in compliance with the Constitution and the laws.

Art. 25. (1) Appointed for an unaccompanied minor or underage foreigner, seeking or



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having received protection, who is on the territory of the Republic of Bulgaria, shall be a guardian, respectively trustee, under the conditions and by the order of the Law for protection of the child and the Family Code.

(2) (amend. SG 31/05) Unaccompanied minor or underage foreigners, seeking or having received protection, shall be accommodated until their coming of age in a specialized institution.

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

(4) Until the accommodation under para 2 the unaccompanied minor or underage foreigners, seeking protection, shall be entitled to financial and material support by the State Agency for the refugees, equal to the one provided for the foreigners of age seeking protection.

(5) (new ? SG 31/05) Till the accommodation of para 2 th unaccompanied minor or underage foreigners, seeking protection, if they have no appointed guardian, respectively trustee, shall be represented in the proceedings by the order of art. 15, para 7 of the Law of protection of the child.

Art. 26. The children under 18 years of age shall have the right to education in the state and municipal schools of the Republic of Bulgaria by an order determined by the chairman of the State Agency for the refugees and the Minister of Education and Science.

Art. 27. The chairman of the State Agency for the refugees can request the court for placing under judicial disability a minor or underage foreigner seeking or having received protection who, due to imbecility or mental disorder cannot take care of himself.

Art. 28. Foreigners, seeking or having received protection, who stay on the territory of the Republic of Bulgaria shall be obliged to observe and fulfil the Constitution and the laws.

Section II. Rights and obligations of foreigners seeking protection during the proceedings

Art. 29. (1) Until the enactment of the decision under art. 70, para 1, item 1 and 2, art. 75, para 1 and art. 78 the foreigner seeking protection shall have the right:

1. to a translator or interpreter registered by the State Agency for the refugees if he does not speak Bulgarian language;
2. to obtain a temporary certificate of identity of a refugee;
3. to shelter and food in a transit or registration reception centre;
4. to social support, psychological help, health insurance, accessible medical care and free medical service by an order and to the extent determined for the Bulgarian citizens.

(2) The accommodation according to para 1, item 3 shall be carried out by the State Agency for the refugees in a centre or another sheltering place upon assessment of the health condition, the family and material status of the foreigner under conditions and by an order determined by the chairman of the State Agency for the refugees.

(3) During the proceedings a single parent of many children, accompanied by at least three of the underage children, shall have the right to receive for one of them financial and material support equal to the one provided for an adult foreigner seeking protection, which shall be provided by the State Agency for the refugees.

Art. 30. During the proceedings the foreigner seeking protection shall be obliged:

1. to fulfil the orders and not obstruct the officials in fulfilment of their official duties;
2. to submit all of his and of the accompanying minor and underage documents which can serve for establishing their identity and citizenship, as well as the way of their movement and entry in the Republic of Bulgaria;
3. if he does not have the documents under item 2 in order to certify his identity, the date and the place of birth, his family status, as well as those of the accompanying minor and underage children, through a declaration before an official for the correctness of which he shall bear criminal responsibility according to art. 313 of the Penal Code.
4. to observe the regulations for the internal order in the transit, registration reception and integration centres, to participate in the activities for the maintenance, hygiene and their improvement, as well as to preserve the property submitted to him for use;
5. to stay at addresses permitted to him by the State Agency for the refugees;
6. not to enter the border zone of the Republic of Bulgaria without a due permit;
7. not to leave the territory of the Republic of Bulgaria without the permit of the State Agency for the refugees;
8. to assist the clarification of his case by announcing a full and reliable information to the respective officials.

Section III. Rights and obligations of the foreigners having received protection

Art. 31. The foreigners in the Republic of Bulgaria having received asylum or refugee status shall have equal rights and obligations.

Art. 32. (1) Upon enactment of the decision under art. 75, para 1, item 1 the refugee

shall acquire the rights and the obligations of Bulgarian citizens with exception of:

1. the right to participate in elections for state and local bodies, in national and local

referendums, as well as to participate in the founding of political parties and be their member; 2. to occupy a position for which a law requires a Bulgarian citizenship; 3. to be a military serviceman;

4. other restrictions explicitly stipulated by a law.

(2) A foreigner with a refugee status or humanitarian status can be given financial support for accommodation in a flat for a period of up to 6 months from the enactment of the decision for providing status, under conditions and by an order determined by the chairman of the State Agency for the refugees, co-ordinated with the Minister of Finance.

(3) The foreigner with a refugee status shall have the right to acquire real estates on the territory of the Republic of Bulgaria under the conditions and by the order stipulated for foreigners.



Art. 33. The foreigner with a refugee status or humanitarian status shall be entitled to an identification document and a certificate for travelling abroad which shall be issued under the conditions and by the order determined by the Convention for the refugee status of 1951, the Law for the Bulgarian identification documents and this law.

Art. 34. (1) (amend. SG 31/05) The foreigner with a refugee status shall have the right to gather with his family on the territory of the Republic of Bulgaria.

(2) (amend. SG 31/05) The chairman of the State Agency for the refugees shall give permit for gathering the family. Permit can be refused to a member of the family when data for some of the circumstances under art. 12 exist for him.

(3) Visas for the members of the family shall be issued after the permit under para 2 by the Bulgarian diplomatic or consular representations.

Art. 35. A foreigner with a refugee status or humanitarian status shall be obliged, within 14 days from the receipt of the permit for providing status, to appear at the municipality of the populated area where he will settle in order to be entered in the register of the population.

Art. 36. A foreigner with a humanitarian status shall have the right and the obligations of a foreigner with a permit for a permanent stay in the Republic of Bulgaria.

Art. 37. The bodies of the local independent government and local administration shall receive on their territory, shall enter in the registers of the population the foreigners with refugee status or humanitarian status and their families and shall provide a possibility of exercising the rights provided by this law.

Art. 38. A foreigner with provided asylum or a refugee status can acquire Bulgarian citizenship under the conditions and by the order of the Law for the Bulgarian citizenship.

Art. 39. Foreigners regarding whom temporary protection is provided shall have the right to:

1. a stay in the country for the period of the

temporary protection; 2. an identification document;
3. social self insurance;

4. food, shelter and clothes, work, medical care and services under the conditions and by the order determined by the act for providing the temporary protection.

Section IV. Identification documents

Art. 40. Issued to foreigners seeking or having received protection shall be issued the following types of identification documents:

1. temporary certificate of a foreigner under summary proceedings; 2. temporary certificate of a refugee;



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3. card of a refugee;
4. card of a foreigner with a humanitarian status;
5. certificate of a foreigner with a temporary protection;
6. certificate of a refugee for travelling abroad;
7. certificate of a foreigner with a humanitarian status for travelling abroad;
8. certificate for return of a foreigner to the Republic of Bulgaria.

Art. 41. (1) The temporary certificate of a refugee under summary proceedings shall be issued by the State Agency for the refugees for a period of one month to a foreigner for whom summary proceedings have been opened for providing status.

(2) The temporary certificate of a refugee shall be issued by the State Agency for the refugees to a foreigner for whom proceedings for providing status have been opened by the general order.

(3) The certificate under para 2 shall be issued for a period of validity of three months. Until the conclusion of the proceedings the term can be extended up to three months by an enacted decision.

(4) For issuance of document under para 1 and 2 and for extension of the term under para 3 fees shall not be collected.

Art. 42. (1) The certificate for travelling abroad of a foreigner entitles its holder to enter and exit the Republic of Bulgaria within the term of its validity under the conditions and by the order for the Bulgarian citizens, inasmuch as the country to which he travels does not stipulate other requirements.

(2) The certificate for travelling abroad of a foreigner with a humanitarian status entitles its holder to enter and exit the Republic of Bulgaria within the term of its validity under the conditions and by the order for permanently staying foreigners in the Republic of Bulgaria.

Art. 43. To a foreigner who has received asylum in the Republic of Bulgaria shall be issued to documents under art. 40, item 3, 6 and 8.

Art. 44. The certificate of a foreigner with temporary protection shall be issued by an order determined by the act for providing temporary protection.

Art. 45. (1) The forms of the identification documents issued by the State Agency for the foreigners shall be approved by an act of the Council of Ministers and shall be promulgated in the State Gazette.

(2) The conditions and the order of issuing and using the identification documents which are not stipulated by this section shall be determined by the Law for the Bulgarian identification documents.

Chapter five. SPECIALISED STATE BODY AND ADMINISTRATION

Art. 46. The chairman of the State Agency for the refugees is a body of the executive authority with a special competence.

Art. 47. (1) The State Agency for the refugees at the Council of Ministers is a corporate body at budget support, with headquarters in Sofia and territorial divisions in the country.

(2) The territorial divisions of the State Agency for the foreigners are:

1. transit centres – for registration, accommodation, medical examination and carrying out summary proceedings for foreigners seeking protection;
2. registration receiving centres – for registration, accommodation, medical examination, social and medical support and carrying out proceedings for providing status to the foreigners seeking protection until the enactment of the decision on the request for protection;
3. integration centres – for providing Bulgarian language education, professional qualification and other activities necessary for the integration of the foreigners seeking or having received protection in the Republic of Bulgaria.

(3) The transit, the registration receiving centres and the integration centres shall be opened and closed down by the Council of Ministers upon proposal of the chairman of the State Agency for the refugees, in co-ordination 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 activity, the structure, the organisation of work, the personnel of the State Agency for the refugees and its divisions shall be determined by structural regulations adopted by the Council of Ministers.

Art. 48. The chairman of the State Agency for the refugees shall:

1. provide, refuse, revoke and terminate refugee status and humanitarian status in the Republic of Bulgaria;
2. stop and terminate the proceedings for providing status;

3. take decision on other requests of the foreigners for whom proceedings for providing status have been opened or they have refugee status or humanitarian status in the Republic of Bulgaria;
4. make a motivated proposal to the Council of Ministers for issuance of an act for temporary protection and for termination of a temporary protection;
5. issue penal provisions by the order of chapter eight;
6. approve the forms of the documents issued by the State Agency for the refugees with exception of the identification documents;
7. extend proposal to the Council of Ministers for approval of the forms of the identification documents issued by the State Agency for the refugees;
8. appoints the interviewing bodies of the State Agency for the refugees who will carry out summary proceedings by the order of chapter six, section II;
9. administer and distribute the resources of the budget, control their expedient spending, determine the spending norms for material and financial support to the foreigners seeking protection and to those having refugee status or humanitarian status co-ordinated with the Minister of Finance and with the Minister of Labour and Social Policy.

(2) Upon request of the President of the Republic of Bulgaria the chairman of the State Agency for the refugees shall give opinion on a filed request for asylum.

(3) The chairman of the State Agency for the refugees, in co-ordination with the Minister of Foreign Affairs shall present, annually by March 31, for approval by the Council of Ministers a list of the safe countries of origin and a list of third safe countries regarding those seeking protection.

Art. 49. (1) The chairman of the State Agency for the refugees shall be determined by a decision of the Council of Ministers and shall be appointed by the Prime Minister.

(2) The chairman of the State Agency for the refugees shall be a Bulgarian citizen who has no other citizenship, shall have higher education and no less than a five-year term of service.

Art. 50. (1) In fulfilment of his activity the chairman of the State Agency for the refugees shall be assisted by two deputy chairmen.

(2) The deputy chairman shall be appointed by the Prime Minister upon proposal of the chairman of the State Agency for the refugees. The deputy chairmen shall be a Bulgarian citizens who has no other citizenship, shall have higher education and no less than a five-year term of service.

Art. 51. The transit, the registration receiving and integration centres shall be headed by directors.

Art. 52. The chairman of the State Agency for the refugees can delegate his legal capacities under art. 48, para 1, item 1 with exception of the legal capacity to revoke status, and under item 2, 3 and 5 to the deputy chairmen of the State Agency for the refugees.

Art. 53. The State Agency for the refugees shall:

1. organise the acceptance and the temporary accommodation of foreigners seeking or having received protection on the territory of the Republic of Bulgaria and, in co-operation with the Bulgarian Red Cross and other non-

governmental organisations, shall provide aid and assistance for adaptation to the Bulgarian conditions; organise courses in Bulgarian language and professional qualification;

2. organise the investigation and the clarification of the facts and circumstances in connection to the filed request for asylum upon request of the President of the Republic of Bulgaria;

3. issue certifying documents;

4. in co-operation with the central bodies of the executive authority, the Bulgarian Red Cross and other non-governmental organisations organise the activities related to the provision of social, medical and psychological care for the foreigners seeking or having received protection; assist the integration of the foreigners having received protection;

5. in co-operation with the bodies of the local independent government and local administration, the Bulgarian Red Cross and other non-governmental organisations organise and carry out popular persuasion among the population and the corporate bodies on the



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refugee problems, organise charity events for material support;

6. work out independently or participate in the preparation of draft normative acts and international agreements related to the protection of foreigners and work out programmes for integration of the foreigners seeking or having received protection in the Bulgarian society;

7. jointly with the central bodies of the executive authority, the bodies of the local independent government and local administration, the Bulgarian Red Cross and other nongovernmental organisations carry out the functions assigned by the plan for activity for temporary protection in conditions of emergency situations and massive entry of foreigners seeking protection;

8. assist the High Commissioner of the United National Organisation for the refugees in fulfilment of his functions, facilitate the control of the implementation of the provisions of the Convention for the refugee status of 1951 and the Statement on the refugee status of 1967 and submit information and statistical data;

9. carry out co-operation with the national offices for the refugees of the countries under the Convention for the refugee status of 1951, with the International Migration Organisation, the International Federation of the associations of the red Cross and the Red Crescent, the International Committee of the Red Cross, as well as with other international governmental and non-governmental organisations on the refugee problems and the migration;

10. assign studies and research on the refugee issues, organise conferences and seminars and issue informational materials on the refugee issues.

Art. 54. (1) The State Agency for the refugees, jointly with the Ministry of Foreign Affairs, International Federation of the associations of the red Cross and the Red Crescent, the International Committee of the Red Cross, and non-governmental organisations shall provide assistance to foreigners seeking or having received protection before the bodies of another country or before an international body for providing documents necessary for the realisation of their rights.

(2) When, for objective reasons, a foreigner seeking or having received protection cannot be supplied with a document by the order of para 1 the State Agency for the refugees, on the grounds of data established by it and a declaration signed by the foreigner, shall organise the issuance of a certificate. On its basis the competent bodies shall issue a Bulgarian document which enables him to exercise these rights.

(3) The documents issued by the order of para 2 shall substitute the official documents issued to foreigners by or through the bodies in their countries.

(4) The foreign documents for education, qualification, scientific degree or rank possessed by the foreigners seeking or having received protection shall be recognised according to the home legislation and the conditions of international agreements party to which is the Republic of Bulgaria.

Art. 55. Received donations, aid, as well as the resources under international programmes and agreements shall be received in a non-budget account of the State Agency for the refugees by the order of art. 45, para 2 of the Law for the structure of the state budget and shall be used for the purposes for which they have been granted.

Art. 56. (1) The State Agency for the refugees, independently or jointly with the



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bodies of the local independent government and local administration, the Bulgarian Red Cross and other non-governmental organisations, can organise auxiliary labour activities through which the foreigners seeking or having received protection will be given a possibility of education with professional purposes and for a possibility to work.

(2) The activities under para 1 shall be financed by expedient resources of the nonbudget account or by the state budget.

Art. 57. The officials of the State Agency for the refugees shall certify their official status by an official card. The bodies of the state government and of the local independent government and local administration shall be obliged to render assistance to the officials of the State Agency for the refugees in fulfilment of their official duties.

Chapter six. PROCEEDINGS

Section I. General

Art. 58. (1) A foreigner who requests asylum shall file a written application to the President of the Republic of Bulgaria. If the application is filed with another state body he shall be obliged to send it immediately to the President.

(2) The proceedings for providing status shall be opened by the application of the foreigner seeking protection.

(3) A foreigner can declare his wish for providing protection before an official of the State Agency for the refugees.

(4) If the request under para 2 is made before another state body he shall be obliged to send it to the State Agency for the refugees.

(5) If the application is filed in a diplomatic or consular representation of the Republic of Bulgaria it shall inform the State Agency for the refugees. Upon receipt of its consent the diplomatic or consular representation shall issue a gratis visa with a term of validity of 15 days and, where necessary, a certificate for return to the Republic of Bulgaria of a foreigner. The applicant shall be obliged, within three days from his entry in the country, to appear in the closest territorial division of the State Agency for the refugees.

(6) The applicant shall be instructed in a language he understands regarding the order of filing the application, about the procedure to be followed and about his rights and obligations.

(7) The bodies under para 4 and 5 shall receive instructions worked out jointly by the chairman of the State Agency for the refugees and the Minister of Interior or the Minister of Foreign Affairs.

Art. 59. (1) The application under art. 58, para 2 can be verbal, written or in other form whereas, in case of necessity, a translator or interpreter shall be provided. The application which is not written shall be recorder by the respective official and shall be signed or certified in another way by the applicant and by the translator, respectively the interpreter.

(2) The application shall contain the reasons for leaving the country of origin or of the permanent residence, as well as the specific request to the Republic of Bulgaria.

Art. 60. (1) The identification documents of the foreigner seeking protection shall be taken and kept in the State Agency for the refugees until the conclusion of the proceedings by an enacted decision.

(2) The officials of the State Agency for the refugees before whom the request has been made or to whom the application has been sent, jointly with the bodies of the Ministry of Interior, can search the foreigner seeking protection, can inspect the belongings carried by him, take fingerprints and other identifying signs under the conditions and by the order determined by a law and by respecting the dignity of the foreigner.

(3) The officials carrying out the activities under para 2 shall be appointed by an order of the Minister of Interior and the chairman of the State Agency for the refugees.

Art. 61. (1) The application under art. 58, para 1 shall be registered in the administration of the President.

(2) The application under art. 58, para 2 shall be registered in the State Agency for the refugees.

(3) Opened for the foreigner seeking protection shall be a personal file and a temporary certificate of a refugee shall be issued.

Art. 62. The President of the Republic of Bulgaria can also provide asylum if the requirements of art. 48, para 2 and art. 53, item 2 have not been met.

Art. 63. (1) The State Agency for the refugees shall have the right to collect data for the foreigners seeking protection with the purpose of establishing the identity and clarification of the circumstances related to the filed application.

(2) Source of the data under para 1 can be both the foreigners themselves and Bulgarian and foreign individuals or corporate bodies.

(3) Not admitted shall be the collection of information for the foreigners from the official authorities of the countries from which they fly.

(4) The State Agency for the refugees shall create its own informational funds by an order determined by its chairman, in compliance with the normative acts for protection of the personal data.

Art. 64. The state bodies shall be obliged to submit the information requested by the State Agency for the refugees necessary for the clarification of the circumstances related to the filed application.

Art. 65. The documents and the data related to the personality of the foreigner, seeking or having received protection, having become known during the proceedings for providing status or during his stay on the territory of the Republic of Bulgaria after the granting of the status shall be official secret. They shall be stored in the personal files and in the register of the State Agency for the refugees and shall be used solely for the needs of the proceedings under this law or for the needs of the international co-operation of the countries - parties to the Convention for the refugee status of 1951.



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Art. 66. (1) The provisions of the Law for the foreigners in the Republic of Bulgaria shall apply regarding a foreigner for whom a decision for refusal, termination or withdrawal of a status has been enacted, or regarding whom the proceedings have been terminated.

(2) The State Agency for the refugees shall inform in writing the Ministry of Interior, the Ministry of Foreign Affairs, Chief Directorate "Civil registration and administrative services" of the Ministry of Regional Development and Public Works and the bodies of the local administration at the place of stay of the foreigner about the decision under para 1.

Art. 67. (1) The compulsory administrative measures "withdrawal of the right of stay", "compulsory taking to the border", "expulsion" and "prohibition of entry in the country" shall not be fulfilled until the enactment of the decision of the chairman of the State Agency for the refugees.

(2) The compulsory administrative measures under para 1 shall be revoked if the foreigner has been given a refugee status or a humanitarian status.

(3) Para 1 and 2 shall not apply if there are grounds to suppose that the foreigner seeking or having received protection poses a danger for the national security or who, once convicted by an enacted sentence for a severe crime, poses a danger for the society.

Section II. Summary Proceedings

Art. 68. (1) The proceedings by the order of this section shall be carried out by the interviewing body in a transit to registration receiving centre until its conclusion according to art. 70, para 1.

(2) After the registration of the application an interview shall be held with the person seeking protection, for which written records shall be drawn. The written records, duly signed by the foreigner seeking protection and by the translator, respectively interpreter, shall be enclosed to the personal file.

(3) A woman seeking protection, should she declare her wish, shall be interviewed by an interviewing body and/or translator, respectively interpreter of the same sex.

Art. 69. (1) The newly arrived or a foreigner staying in the Republic of Bulgaria not by the legally established order, seeking protection, shall be accommodated in a transit or registration receiving centre.

(2) The foreigner seeking protection shall be subjected to a medical examination and tests and shall remain under quarantine until the results are known. If necessary, he can be admitted in a hospital establishment.

(3) regarding foreigners seeking protection, other than those under para 1, the summary proceedings shall be carried out in the registration receiving centre and the provision of para 2 may not be applied.

Art. 70. (1) Within 3 days from the registration of the application the interviewing body shall be obliged to take decision for:

1. (amend. SG 31/05) rejection of the application as obviously ungrounded under art.

13;

2. (amend. SG 31/05) termination of the proceedings under art. 15, item 5, 6 and 8 and art. 16, item 9;

3. admission of proceedings by the general order.

(2) In the cases under para 1, item 1 the decision must contain statement regarding the safety of the country for the foreigner where he shall be returned.

(3) If, within the period under para 1, a decision is not taken assumed shall be proceedings by the general order and the personal file of the foreigner shall be sent immediately to the chairman of the State Agency for the refugees.

(4) The decision under para 1 shall be presented to the foreigner seeking protection and his rights and obligations ensuing from it shall be announced in a language understandable by him.

(5) Copy of the decision shall be sent to the chairman of the State Agency for the refugees.

Art. 71. (1) (prev. art. 71 ? SG 31/05) The summary proceedings shall not apply regarding a minor or underage foreigner seeking protection who is not accompanied.

(2) (new ? SG 31/05) When at registration of the application occurs grounded doubt that the foreigner, seeking protection, is not minor or underage the inquiring body shall appoint expertise for establishing his age. In this case the term of art. 70, para 1 shall stop till the establishing of the age.

Section III. Proceedings by the general order

Art. 72. (1) (amend. SG 31/05) The proceedings by the general order shall be carried out in a registration receiving centre upon enactment of the decision under art. 70, para 1, item 3, as well as in the cases under art. 70, para 3 and art. 71, para 1.

(2) The foreigner seeking protection shall be accommodated in a registration receiving centre or in another place of shelter for the account of the State Agency for the refugees or of a non-governmental organisation.

(3) When the foreigner seeking protection possesses his own resources he can obtain a permit to stay, for his own account, at an address chosen by him, not receiving financial and material support from the State Agency for the refugees.

Art. 73. (1) (amend. SG 31/05) With the foreigner, seeking protection. shall be conducted interview for which written records shall be drawn. The written records, signed by the foreigner seeking protection and by the translator, respectively the interpreter, shall be enclosed to the personal file.

(2) (new ? SG 31/05) If necessary with the foreigner additional interviews shall be conducted.

(3) (prev. (2) ? SG 31/05) A woman seeking protection, upon declaring her wish, shall be interviewed by an interviewing body and/or translator, respectively interpreter, of the same sex.

Art. 74. Within two months from the opening of the proceedings by the general order

the interviewing body shall work out a statement which, together with the personal file, shall be presented to the chairman of State Agency for the refugees for decision.

Art. 75. (1) The chairman of State Agency for the refugees, within one month from the presentation of the personal file, shall take a decision by which: 1. he provides a refugee status;

2. refuses a refugee status;

3. provides a humanitarian status;

4. refuses a humanitarian status.

(2) The lack of enough data for victimisation shall be assessed depending on the concrete circumstances and cannot be individual grounds for refusal of providing status.

(3) The chairman of the State Agency for the refugees, in case of insufficiency of the gathered data for the concrete case can extend the period under art. 74 up to three months.

(4) When taking the decision under para 1, item 2 and 4 the chairman of the State Agency for the refugees shall assess all grounds for refusal.

(5) By the decision under para 1, item 2 and 4 the chairman of the State Agency for the refugees shall deliver an opinion regarding the safety of the country where the foreigner shall be returned.

Art. 76. (1) Copy of the decision of the chairman of the State Agency for the refugees shall be presented to the foreigner seeking protection. The contents of the decision, as well as the right and obligations ensuing from it shall be announced to him in a language he can understand.

(2) The presentation shall be certified by the signatures of the foreigner seeking protection and of the translator, respectively interpreter. The refusal to sign the decision shall be certified by the signatures of two witnesses.

(3) If the decision is not presented personally within 14 days from its issuance an announcement shall be sent to the foreigner by return mail.

(4) For failure to appear within 7 days from the receipt of the notification by return mail the decision shall be considered presented.

(5) If the notification by return mail is returned to the State Agency for the refugees due to impossibility of delivery the decision shall be considered presented.

Section VI. Stopping and termination of the proceedings for providing status. Proceedings for revoking and termination of provided protection

Art. 77. (1) Upon proposal of the respective interviewing body the chairman of the State Agency for the refugees shall stop the proceedings for providing status pursuant to art. 14.

(2) The stopped proceedings shall be reopened when the foreigner seeking protection presents proof that he has had objective reasons for not appearing or non-cooperation with the officials.

Art. 78. Upon proposal of the respective interviewing body or upon a request of the

foreigner seeking or having obtained protection the chairman of the State Agency for the refugees shall terminate the proceedings for providing status, shall terminate or withdraw a status when the conditions stipulated by this law are present.

Art. 79. The decisions under this section, with exception of the decision for stopping the proceedings, shall be presented by the order of art. 76.

Section V. Rules for temporary protection

Art. 80. (1) In the presence of the conditions under art. 11 the chairman of the State Agency for the refugees, in co-ordination with the Minister of Foreign Affairs and the Minister of Interior shall make a proposal to the Council of Ministers for providing temporary protection.

(2) The proposal under para 1 must contain:

1. indication of the group of foreigners for whom the temporary protection shall

apply;

2. the date on which the temporary protection will be enacted and its term; 3. assessment of the reasons and the prognoses for massive entry; 4. the measures to be taken.

Art. 81. The act for providing temporary protection must contain: 1. the circumstances under art. 80, para 2;

2. the way of financing the temporary protection;

3. the organisation and the functions of a temporary operative body for applying the measures related to the temporary protection;

4. the type and the order of issuing identification documents;

5. the conditions and the order of providing food, shelter, clothes, work, medical care and services.

Art. 82. (1) The temporary protection shall be provided for a period of up to one year. (2) The temporary protection can be extended by an act of the Council of Ministers for a period of up to one year.

(3) The temporary protection shall be terminated with the expiration of the term for which it has been provided.

(4) The Council of Ministers can terminate the temporary protection upon proposal of the chairman of the State Agency for the refugees upon dropping of the reasons for its provision.

Art. 83. The temporary operative body shall work out a plan of activity and its fulfilment shall be carried out in co-operation with the representative of the High Commissioner of the United Nations Organisation for the refugees, the International Migration Organisation, the Bulgarian Red Cross and other international and Bulgarian nongovernmental organisations.



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Chapter seven. JUDICIARY CONTROL

Section I. Appeal of the decisions of the summary proceedings

Art. 84. (1) The decisions under art. 70, para 1, item 1 and 2 can be appealed within 7 days from their presentation before the respective district court at the place of stay of the foreigner seeking protection.

(2) The complaint under para 1 shall be filed in writing through the respective territorial division of the State Agency for the refugees which shall immediately send the complaint to the court together with the personal file. The court shall constitute the case within 3 days from the receipt of the complaint.

(3) The filed complaint shall stop the fulfilment of the decision.

Art. 85. (1) The district court shall consider the complaint in an open session with subpoenaed parties and shall rule within one month from the constitution of the case. In these cases the parties must be subpoenaed not later than three days before the session.

(2) If the court revokes the appealed decision and returns the case with obligatory instructions for a new decision the interviewing body of the summary proceedings shall be obliged to take a new decision by the deadline under art. 70, para 1.

(3) If the court confirms the appealed decision it shall be fulfilled.

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

Art. 86. In the cases not settled by this law shall apply the respective provisions of the Law for the administrative proceedings and the Civil Procedure Code.

Section II. Appeal during the general proceedings

Art. 87. The decisions under art. 75, para 1, item 2 and 4 and art. 78 and the refusal under art. 34, para 2 shall be subject to appeal before the Supreme Administrative Court within 14 days from their presentation.

Art. 88. The complaint shall be filed through the chairman of the State Agency for the refugees. The filed complaint shall stop the fulfilment of the decision.

Art. 89. Within 3 days from the receipt of the complaint the chairman of the State Agency for the refugees shall send the complaint and the personal file to the Supreme Administrative Court.

Art. 90. (1) The Supreme Administrative Court shall consider the complaint within one month in an open session with subpoenaed parties.

(2) If the Supreme Administrative Court revokes the appealed decision and returns the personal file with obligatory instructions for a new decision the chairman of the State

Agency for the refugees shall be obliged to take a new decision within 14 days. (3) The decision of the court shall not be subject to a cassation appeal.

Art. 91. In the cases not settled by this law shall apply the provisions of the Law for the administrative proceedings, the Law for the Supreme Administrative Court and the Civil Procedure Code.

Art. 92. The proceedings by the order of this chapter shall be exempt from state fees and payment of other expenses.

Chapter eight. ADMINISTRATIVE PENAL RESPONSIBILITY

Art. 93. (1) Fined by 20 to 100 levs shall be a foreigner seeking protection who:

1. without valid reason does not fulfil an order of an official related to the proceedings for providing protection;
2. violates the rules for the internal order in the transit, registration receiving and integration centres.

(2) Fines by 50 to 200 levs shall be a foreigner seeking protection who:

1. loses, damages or destroys the temporary certificate of a refugee issued to him by the State Agency for the refugees or a temporary certificate of a foreigner under summary proceedings;
2. leaves without permit the address pointed by the State Agency for the refugees;
3. damages or destroys belongings submitted to him for use.

(3) If the offences under para 1 and 2 are repeated the punishment shall be: 1. a fine of 20 to 200 levs – for an offence under para 1; 2. a fine of 50 to 300 levs – for an offence under para 2.

(4) In the cases under para 2, item 3 the offender shall also pay the value of the destroyed belonging.

Art. 94. A foreigner who does not fulfil his obligation under art. 58, para 5 shall be fined by 20 to 100 levs.

Art. 95. (1) The offences under this law shall be established by acts issued by officials of the State Agency for the refugees appointed by an order of its chairman, and for offences under art. 93, para 2, item 1 – also by the bodies of the Ministry of Interior appointed by the Minister of Interior.

(2) On the grounds of the issued acts the chairman of the State Agency for the refugees, a deputy chairman explicitly authorised by him, or a director of a territorial division shall issue penal provisions.

(3) The issuance of the acts for establishing the offences, the issuance, the appeal and the fulfilment of the penal provisions shall be carried out according to the provisions of the Law for the administrative offences and penalties.

Additional provisions

? 1. In the context of this law:

1. "Foreigner seeking support" is the one who has expressed his wish before a state body to receive special protection according to this law until the conclusion of the proceedings by an enacted decision.
2. "Members of the family" are the spouse and the underage children, if they are not married. Rights of members of the family according to this law have also the parents of each of the spouses who are not in position to take care of themselves because of old age or serious disease or injury and it is imperative to live with their children in one household.
3. "Unaccompanied" is a minor or underage foreigner staying on the territory of the Republic of Bulgaria and not accompanied by his parent or other relative of the direct line up to a second degree or a collateral relative up to a third degree including.
4. "Safe country of origin" is a country where the life and the freedom of the foreigner seeking protection are not threatened and he is not exposed to danger of victimisation, torture or inhuman or humiliating treatment or punishment.
5. "Third safe country" is a country where:
 - a) the life and the freedom of a foreigner seeking protection are not threatened and he is not exposed to danger of victimisation, torture or inhuman or humiliating treatment or punishment;
 - b) the foreigner seeking protection has received protection or has had the possibility of receiving protection or there is obvious proof that he can be admitted;
 - c) the foreigner seeking protection is protected against return of foreigners to the territory of a country where conditions exist for such victimisation and threat for his rights.
6. "Reasons beyond control" are elemental and natural calamities, accidents, catastrophes, robbery and such bringing to the applying of urgent medical care, as well as other events having occurred beyond the will of the foreigner seeking protection, which he could not have been able to foresee or prevent.
7. "Repeated" is the offence committed within 3 months from the enactment of

the penal provision which imposed on the offender a punishment for the same kind of offence.

Temporary and concluding provisions

? 2. This law shall enter into force six months after its promulgation in the State Gazette and revokes the Law for the refugees (prom., SG 53/99; corr., SG 97/99; amend., SG 45/02).

? 3. The State Agency for the refugees at the Council of Ministers is a legal successor of the Agency for the refugees at the Council of Ministers.

? 4. The proceedings started before the enactment of this law shall be carried out by the previous order.

? 5. Until the opening of transit and registration receiving centres
the summary

proceedings according to chapter five, section II shall be carried out in places determined by the chairman of State Agency for the refugees in coordination with the Minister of Regional Development and Public Works and with the Minister of Interior.

? 6. The following amendments and supplements are introduced to the Law for the Bulgarian identification documents (prom., SG 93/98; amend., SG 53, 67, 70 and 113 of 1999; SG 108/00, SG 42/01, SG 45/02):

1. In art. 1, para 2 the conjunction "and" is replaced by a comma and after it the words "the Ministry of Transport" is added "and communications and the State Agency for the refugees at the Council of Ministers".

2. Para 3 is created in art. 8:

"(3) When the application under para 2 regards the identification document of a foreigner seeking or having received protection according to the Law for the asylum and the refugees the respective office of the Ministry of Interior shall inform immediately the State Agency for the refugees or its closest territorial division."

3. In art. 9, para 2 the conjunction "and" is replaced by a comma and after the words "the card of a refugee" is added "and the card of a foreigner with humanitarian status". 4. In art. 14:

? item 4 is amended as follows:

"4. temporary certificate of a refugee and temporary certificate of a refugee under summary proceedings;";

b) item 10, 11 and 12 are created:

"10. card of a foreigner with humanitarian status;

11. certificate of a foreigner under temporary protection;

12. certificate for travelling abroad of a foreigner with humanitarian status."

5. Second sentence is created in art. 21, para 1: "When the foreigners seeking or having received protection do not possess such documents their names shall be written by the order they indicate in the declaration signed by them before the competent body."

6. The following amendments and supplements are introduced to art. 55:

? the previous text becomes para 1;

b) para 2 is created:

"(2) The temporary certificate of a refugee shall be issued immediately after the opening of the proceedings for providing status. Temporary certificate of a foreigner shall also be issued to a foreigner under the age of 14 who is not accompanied by an adult member of the family."

7. In art. 57, para 2 the words "foreigners seeking refugee status" are replaced by "the foreigners seeking or having received protection according to the Law for the asylum and the refugees".

8. In art. 58, after the word "the country" a comma is added followed by "with exception of a foreigner holding temporary certificate of a refugee".

9. The following amendments and supplements are introduced to art. 59:

? in para 1:

aa) item 3 is amended as follows:

"3. temporary certificate of a refugee – issued by the State Agency for the refugees to foreigners for whom proceedings have been opened by the general order for providing refugee status, and temporary certificate of a refugee under summary proceedings – by the State



Agency for the refugees to foreigners for whom summary proceedings have been opened for providing refugee status, with terms determined by the Law for the asylum and the refugees;";

bb) in item 4, after the words "refugee status" are added "or asylum" and the figure "3" is replaced by "5";

cc) in item 5, after the word "refugee" a dash is added followed by "issued by the bodies of the Ministry of Interior to a foreigner with a refugee status or asylum for a term of validity of up to 5 years, but not longer than the term of validity of the refugee card";

dd) item 9, 10 and 11 are created:

"9. a card of a foreigner with humanitarian status – issued by the bodies of the Ministry of Interior to a foreigner with humanitarian status for a term of validity up to 3 years;

10. certificate of a foreigner with temporary protection – issued to foreigners who have received temporary protection under the conditions and by the order determined by the act for providing the temporary protection;

11. certificates for travelling abroad of a foreigner with humanitarian status – issued by the bodies of the Ministry of Interior to a foreigner with humanitarian status, with a term of validity up to 3 years, but not longer than the term of validity of the card of a foreigner with humanitarian status. ";

b) para 2 is amended as follows:

"(2) The certificate for return to the Republic of Bulgaria of a foreigner shall be issued to a person without a citizenship or to a foreigner with provided protection in the Republic of Bulgaria, having lost abroad his Bulgarian identification document according to para 1, item 5, 6 and 11. The same document shall be issued to a foreigner according to art. 34, para 3 and art. 58, para 5 of the Law for the asylum and the refugees when he does not possess valid national documents for travelling."

10. In art. 60, at the end, a comma is added followed by "with exception of the documents under art. 59, para 1, item 3".

11. Art. 60a is created:

"Art. 60a. The term of the certificate for travelling abroad of a refugee, as well as of the certificate for travelling abroad of a foreigner with

humanitarian status can be extended by a Bulgarian diplomatic or consular representation upon co-ordination with the State Agency for the refugees."

12. The following amendments are introduced to art. 61:

a) in para 2 the words "permitted refugee status" are replaced by "provided asylum, refugee status or humanitarian status";

b) para 3 is amended as follows:

"(3) The present address shall be entered in the identification document of foreigners staying permanently in the country or of those who are under proceedings for providing refugee status."

13. The following amendments are introduced to art. 62: a) the previous text becomes para 1;

b) para 2 is created:

"(2) The submission of the document under the preceding para shall not be required from a foreigner seeking or having received protection if he has entered the country without documents."

14. The following amendments and supplements are introduced to the transitional and concluding provisions:

a) created is ? 9b:

"? 9b. All identification documents of foreigners under proceedings for providing refugee status, or of foreigners issued before the enactment of the Law for the asylum and the refugees shall be valid until the expiration of the term for which they have been issued.";

b) in ? 21, after the words "foreigners and refugees" a comma is added followed by "issued by the bodies of the Ministry of Interior";

c) in ? 23 the conjunction "and" is replaced by a comma and after the words "the Minister of Transport" is added "and Communications and the chairman of the State Agency for the refugees".

? 7. The following amendments and supplements are introduced to the Law for the foreigners in the Republic of Bulgaria (prom., SG 153/98; amend., SG 70/99, SG 42 and 112/01, SG 45/02):

1. In art. 7, after the words "the foreigners" a comma is added and the word "refugees" is replaced by "seeking or having received protection".

2. In art. 28a, para 1 the words "refugee status" are replaced by "protection according to the Law for the asylum and the refugees" and the sentence "The factual and the legal activities related to the receiving of the permit shall be carried out by the Agency for the refugees" is deleted.

3. In art. 44, para 1 the words "The Agency for the refugees" is replaced by "The State Agency for the refugees".

? 8. The following amendments and supplements are introduced to the Law for the civil registration (prom., SG 67/99; amend., SG 28 and 37/01):

1. In art. 3, para 2, item 2, letter "c", after the word "refugee" is added "or humanitarian status".

2. In art. 26, para 2, item 2 is amended as follows:

"2. temporary certificate of a refugee or a notification for the birth of a child of parents with a refugee or humanitarian status;"

3. In art. 52, after the word "citizenship" a comma is added and the words "or with refugee status" are replaced by "with a refugee or humanitarian status."

? 9. In art. 70 of the Law for encouragement of the employment (SG 112/01) para 3 is amended as follows:

"(3) Not required shall be a work permit of foreigners permanently staying in the Republic of Bulgaria or of foreigners to whom asylum, refugee or humanitarian status have been provided. "

? 10. In art. 4 of the Law for the Bulgarian Red Cross (prom., SG 87/95; amend., SG 44/99) item 6 is amended as follows:

"6. assist the foreigners seeking or having received protection in the Republic of Bulgaria according to the Law for the asylum and the refugees;".

? 11. The following amendments and supplements are introduced to the Law for the health insurance (prom., SG 70/98; amend., SG 93 and 153/98; SG 62, 65, 67, 69, 110 and

113/99; SG 1, 31 and 64/00; SG 41/01, SG 1/02):

1. In art. 33, item 4 after the word "refugee" a comma is added followed by "humanitarian status."

2. The following amendments and supplements are introduced to art. 34:

a) in para 1, item 3 the words "according to art. 33, item 3" are replaced by "according to art. 33, item 4";

b) in para 2:

aa) new item 2 is created:

"2. for the persons under art. 33, item 4 – from the date of opening proceedings for providing refugee status or right to asylum;"

bb) the previous item 2 becomes item 3.

? 12. In art. 13a of the law for the Bulgarian citizenship (prom., SG 136/98; amend., SG 41/01) after the word "refugee" is added "or asylum".

? 13. The implementation of the law is assigned to the Council of Ministers.

The law was adopted by the 39th National Assembly on May 16, 2002 and was affixed with the official seal of the National Assembly.



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