



No place to stay

A review of the  
implementation of  
UNHCR's urban refugee  
policy in Bulgaria

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## Executive summary

Bulgaria is a European Union member state and a signatory to the 1951 UN Refugee Convention and its 1967 Protocol. The country has adopted national refugee legislation, established a refugee status determination procedure and an integration programme for recognized refugees and those with humanitarian status.

This report concludes that Bulgaria's refugee protection system is functioning, although not in an optimal manner. Asylum seekers have access to Bulgarian territory and have their applications for refugee status examined by the competent authorities. In principle at least, those who are recognized as refugees or granted humanitarian status have the same access to rights and services as Bulgarian citizens. A constructive dialogue has been established between UNHCR, the government, NGOs and civil society.

In reality, however, and despite the progress that has been in relation to asylum issues as a result of the EU accession process, the protection space in Bulgaria is diminishing, if measured in terms of the indicators set out in UNHCR's new urban refugee policy.

As subsequent chapters of this report point out, while the authorities have commendably assumed responsibility for asylum issues in Bulgaria, institutional capacity is limited and there is a lack of coherence between the country's policy objectives and the means employed to attain them. More generally, the refugee issue is overshadowed by the other socio-economic challenges confronting the country.

As a result of this situation, refugees and asylum seekers, most of whom live in the capital city of Sofia, can be at serious risk of rights violations. In general, very little is known about the circumstances and well-being of Bulgaria's urban refugees, some of whom have little or no direct contact with the authorities, UNHCR or an NGO.

Attaining adequate access to essential services and establishing sustainable livelihoods is proving to be a difficult task for many refugees, who often find themselves working in the informal economy, unable to speak the national language and with inadequate skills to generate even a minimal income. As a result, a large proportion of the people recognized as refugees in Bulgaria are unable to integrate there and consequently engage in irregular movements to other parts of Europe.

This reports makes a series of recommendations, some of them related to UNHCR policy on refugees in urban areas in general and others related to the role and activities of UNHCR and its partners in Bulgaria. These recommendations are set out at the end of each chapter.



## Introduction to the review

1. At the High Commissioner's Dialogue on Protection Challenges in December 2009, a commitment was made to undertake evaluations of UNHCR's programmes for refugees in a number of urban areas, focusing on the challenges and opportunities encountered in the implementation of the organization's new urban refugee policy.
2. The cities of Kuala Lumpur (Malaysia), Nairobi (Kenya), San Jose (Costa Rica), and Sofia (Bulgaria) were selected for this exercise, which may eventually be extended to other urban areas.
3. UNHCR's new urban refugee policy is, in its own words, "primarily related to the situation of urban refugees in developing and middle-income countries," especially those where UNHCR has a substantial presence and operational role and where the authorities have a limited engagement with the issue of urban refugees.
4. One purpose of the current review is to assess the extent to which the policy is relevant to a European Union member state (albeit one of the poorest) where those conditions do not apply.
5. The review was undertaken by an independent consultant and a member of UNHCR's Policy Development and Evaluation Service, both of whom have had previous experience with refugee issues in central Europe.
6. The team carried out an extensive desk review of relevant documents and undertook a mission to Bulgaria, where the team carried out interviews with UNHCR staff members and key governmental, non-governmental and other stakeholders. Consultations were also held with members of the refugee population.
7. The review was conducted in accordance with UNHCR's Evaluation Policy and the UN Evaluation Group's Norms and Standards.
8. The team would like to thank all of those people who contributed to the review, especially UNHCR staff in Sofia, and in the organization's Regional Representation for Central Europe.



## The operational environment

9. The number of refugees and asylum seekers in Bulgaria is relatively small. From 1993 to 2010, a total of 18,648 people applied for asylum, of whom 1,506 were recognized as refugees and 4,403 were granted humanitarian status. The majority were from Afghanistan, Iraq, Armenia and Iran.

10. Bulgaria acceded to the 1951 UN Refugee Convention and its 1967 Protocol in 1992 and is a party to most international and regional human rights instruments. In 2007, amendments to the Law on Asylum and Refugees (LAR) came into force, purporting to transpose the EU asylum *acquis* into national legislation.

11. The State Agency for Refugees (SAR), UNHCR's main government counterpart, is responsible for registering and examining asylum claims. This body also provides reception services to asylum seekers and integration support to refugees in the first year after recognition.

12. There are two SAR Registration and Reception Centres (RRCs) in Bulgaria: one in Sofia with provision for up to 400 asylum seekers, and the other in Banya, designed to accommodate 80 people. Since 2007, plans have also been under way for the opening of a transit centre in Pastrogor, the main entry point for asylum seekers on the Turkish-Bulgarian Border, with a capacity of 300. The majority of refugees and asylum seekers live in the capital city, which is the only urban centre where integration services are available for those who are granted refugee or humanitarian status.

13. From 2008 to 2010, the Bulgarian government participated in a UNHCR-led initiative, the Asylum Systems Quality Assurance and Evaluation Mechanism Project (ASQAEM), which was intended to improve the quality of the country's asylum procedures by means of training and capacity-building activities. Under a new project, titled Further Developing Asylum Quality, Bulgaria has committed to continued partnership with UNHCR in the improvement of its asylum procedures.

14. Once recognized, refugees and people with humanitarian status have access to rights and services in parity with Bulgarian citizens and foreign nationals with permanent residence. A National Programme for the Integration for Refugees (NPIR) has been in place since 2005, funded by the government and run by SAR.

15. With the introduction of the European Refugee Fund (ERF), UNHCR's role in the provision of resources to Bulgaria has progressively decreased and is currently focused on support for two implementing partners: the Bulgarian Helsinki Committee (BHC) and the Bulgarian Red Cross (BRC). UNHCR also provides office space to the Bulgarian Council for Refugees and Migrants, an umbrella NGO body.

16. Despite the progress that has been with respect to asylum issues in Bulgaria, prompted primarily by the EU accession process, the refugee protection space is currently contracting. This situation is a result of official policy incoherence and limited institutional capacity, as well as the low priority given to refugees as a result

of their small numbers, their lack of visibility and the gravity of the other socio-economic problems confronting the country.

17. Refugees and asylum seekers in Bulgaria are consequently affected by some contradictory trends. While improvements have been made to the quality of Bulgaria's asylum procedures, ERF funding for legal aid is only available on an *ad hoc* basis only. In 2008 and 2009, the ERF covered the cost of this service for just four and six months respectively.

18. As a result of funding constraints, moreover, BHC's activities for most of 2010 were limited to monitoring the Sofia International Airport, two main border checkpoints and the Busmantsi detention facility, as well as providing general counselling and representing asylum applicants with credible claims. In that respect, it should be noted that the refugee recognition rate dropped from 29 per cent in 2009 to around 14 per cent in 2010.

19. With respect to the rights and entitlements of recognized refugees, similar inconsistencies can be observed. On one hand, the NPIR provides language tuition, vocational training and housing, as well as financial allowances for those refugees who participate in its activities. A favourable timeframe for refugees to apply for citizenship is also provided by national law.

20. And yet access to such services is restricted by the fact that NPIR is only available in Sofia. Moreover, NPIR regulations exclude children and those refugees who are not in a position to attend the obligatory training sessions due to their health, age, family situation or specific needs.

21. Because the level of financial assistance provided under the NPIR is too low to cover basic subsistence needs, and because UNHCR is unable to fill that gap, many refugees refuse to be included in the NPIR or drop out in order to work or engage in onward movement. Without the necessary language skills and access to social networks, those who remain in Sofia often end up working in the informal economy where they are exposed to the risk of exploitation and abuse. Furthermore, without health insurance or evidence of social security contributions through legal employment, they fail to meet the eligibility criteria for Bulgarian citizenship.

22. At the institutional level, official capacity is limited. Mainstream service providers – such as local authorities and the government departments dealing with health, education and employment – have very limited engagement with the NPIR or the refugee population. While the 2008-2010 NPIR provided for the establishment of a Refugee Integration Council with representatives from relevant state institutions and NGOs, no such structure has been put in place to date.

23. Official capacity to manage European funds is also weak. In 2008, the EU withheld almost €500 million from Bulgaria on account of the country's vulnerability to fraud and mismanagement. With regard to the ERF – the main source of complementary funding for the Bulgarian asylum system – the overall implementation rate amounted to only 23 per cent in 2008-2009. Funds were used primarily for infrastructural development, such as the renovation of the two RRCs and the procurement of SAR office furniture.

## Reception arrangements

24. UNHCR's new urban refugee policy sets out a number of principles and standards for the reception arrangements that it provides to refugees and asylum seekers who wish to have direct access to the organization. In Bulgaria, however, frontline legal and social services are provided not by UNHCR but by NGOs and refugee community organisations. UNHCR's direct contact with its clients is therefore on an essentially ad hoc basis, and is often limited to just a few individual visits each week.

25. A set of Standard Operating Procedures (SOPs) for the management of individual cases was developed in 2008 at a regional level. Those SOPs provide guidance on how to respond to visits and correspondence from refugees and asylum seekers, but do not include any provisions for the systematic collection and analysis of data that would enable UNHCR to identify key trends and collect evidence for advocacy purposes.

26. Given the limited volume of client visits to the UNHCR office in Sofia, no appointments system has been put in place and the Public Information Assistant has been assigned responsibility for the initial screening of individual cases. In some cases, the Protection Officer might also intervene on behalf of a client who needs to interact with SAR, an NGO or a mainstream service provider. Legal advice is provided in cases of where extradition is threatened or when court proceedings have been set in motion.

27. Information leaflets are available in the UNHCR office in six languages. These provide the contact details of all relevant service providers as well as some basic information about the rights and entitlements of refugees and asylum seekers. A UNHCR-sponsored publication titled *A Short Handbook on the Rights and Obligations of Aliens who are Refugee and Humanitarian Status Holders in the Republic of Bulgaria* is available in English and Bulgarian, with translations of the handbook into Arabic and Farsi currently underway. While this is a valuable initiative, the use of the publication is limited by the fact that it requires a specialized understanding of Bulgaria's complex welfare provision system.

### **Policy-specific recommendation**

28. The section of the new urban refugee policy that focuses on reception arrangements should be reviewed to assess its relevance to situations where the number of refugees and asylum seekers is low and where frontline services are provided by the state and civil society.

### **Country-specific recommendations**

29. UNHCR should undertake advocacy efforts so as to ensure that the reception facilities provided by the state and civil society in Sofia are consistent with the standards set out in the new urban refugee policy.

30. UNHCR should collect and analyze its casework data more regularly and systematically so as to identify key trends and strengthen its advocacy activities.

## Registration, documentation and data collection

31. The section of the new urban refugee policy dealing with registration and documentation appear to be of limited relevance in the Bulgarian context, given that SAR and the Ministry of the Interior are responsible for these functions. Unfortunately, however, some important gaps exist in the official registration procedure, limiting the protection space available to refugees and asylum seekers. More generally, very little is known about the realities of life for refugees living in Sofia, a situation that makes it difficult to establish appropriate programme and protection strategies.

32. Those asylum seekers entering Bulgaria irregularly through the border with Greece or Turkey are initially detained for a maximum of 24 hours if apprehended by the Border Police. There have been no recorded cases of *refoulement* since 2009.

33. A tripartite Memorandum of Understanding (MOU) between the Border Police, UNHCR and BHC includes guarantees of access to Bulgarian territory, the asylum procedure and specialized legal assistance. The MOU also provides for joint monitoring visits to verify that these guarantees are upheld. Since the establishment of the MOU in April 2010, one such mission has been conducted.

34. A worrisome trend has recently been observed on the Bulgaria-Turkish border, whereby new arrivals who are released from Border Police custody are subject to court proceedings to establish whether they have committed a criminal offence by entering Bulgaria illegally. This appears to be a contradiction of the Criminal Code provisions that exempt asylum seekers from penalization for illegal entry.

35. Out of five female Iraqi asylum seekers interviewed in the course of this review, three stated that they had been held for a number of days in small towns near the frontier after being released from Border Police custody and while such criminal proceedings were initiated. In October 2010, for example, 13 asylum seekers, representing 31 per cent of the total number entering through the Svilengrad border entry point that month, were convicted for illegal entry.

36. In the case of one family, after two days in detention the wife and young child were given the option of being accommodated in a local hotel at their own expense, while the husband remained in police detention pending the court's decision. Their only alternative option was to remain with the husband in detention. The hotel charges amounted to a total of \$ 200 for four nights, for a room shared with another woman and child.

37. Once released from Border Police or court custody, asylum seekers are transferred to a special facility for the temporary accommodation of foreigners (SPTAF) in Busmantsi, near Sofia International Airport. During the first six months of 2010, only 13 per cent of asylum seekers applying at the border were admitted to the status determination procedure without detention. The rest were detained at Busmantsi for an average of 32 days.

38. Because they often find themselves without access to registration and documentation for a period of several months, some asylum seekers withdraw their application or opt to sign a declaration that waives their right to access the reception services of SAR. They are then released and left to fend for themselves. Confronted with the prospect of homelessness and destitution, they then decide to engage in irregular movement to other European countries.

39. SAR estimates that there are some 500 to 600 people living outside its reception facilities, representing 60 per cent of all asylum seekers in the country. Little seems to be known about the situation of these potentially vulnerable people, who were excluded from UNHCR's 2010 Participatory Assessment.

40. With respect to documentation, the Ministry of the Interior is responsible for issuing a refugee card of five years' validity or a humanitarian status card of up to three years' validity. While this system is a potentially important means of confirming refugee numbers, no consolidated statistics differentiating refugees and other foreign nationals are available, nor is any disaggregated information available relating to their nationality, gender, age, ethnic origin or place of residence.

41. SAR considers its remit for refugees to be limited to the first year after status recognition. After that time, refugees are assumed to become the responsibility of mainstream service providers. In most cases, however, such providers have no information about refugee numbers, no awareness of their needs and no means of monitoring their situation.

42. In order to fill these information gaps, UNHCR has initiated discussions with the National Statistical Institute concerning the inclusion of refugees in the 2011 census. UNHCR has also established a post of Integration Assistant in its Sofia Office and recruited an integration consultant on an interim basis. That person has formulated a plan of action that includes an intensification of contacts with mainstream service providers and the implementation of a pilot survey to examine the situation of refugees who were granted asylum during the past three years.

### **Policy-specific recommendations**

43. The components of UNHCR's urban refugee policy dealing with registration, documentation and data collection should be reviewed in order to clarify their relevance to countries where these functions are undertaken by the state.

44. The wording of the new policy should be amended in order to underline the benefits of registration for the authorities, as well as UNHCR.

45. Guidance should be provided on the implementation of Article 35 of the 1951 Convention, which obliges signatory States to cooperate with UNHCR in the provision of information and statistical data on refugees.

### **Country-specific recommendations**

46. UNHCR should advocate for the development of a joint strategy with SAR and the Ministry of the Interior for the systematic collection of qualitative and quantitative data on refugees and asylum seekers in Bulgaria, including those living

outside official reception and detention centres and those who have been in the country more than a year since status recognition.

47. UNHCR should review its methods of data collection, especially the annual Participatory Assessment, so as to ensure the inclusion of 'hard to reach' groups. UNHCR should also consider the option of commissioning an independent study of refugees and asylum seekers in Bulgaria, funded by the ERF.

48. UNHCR should advocate for the establishment of a mechanism that would enable the authorities to identify and support people with specific needs during the asylum procedure. The organization should also advocate for amendments to national law with the aim of ensuring that asylum seekers are registered as soon as they file their application for refugee status.

49. UNHCR should request the authorities to provide regular information on the number of asylum seekers who sign a declaration that excludes them from SAR assistance, as well as the circumstances under which such declarations are made.



## Refugee status determination

50. In the organization's new urban refugee policy, UNHCR makes a commitment to undertake a number of actions in relation to refugee status determination (RSD) in countries where official asylum procedures are non-existent or dysfunctional. That is not the situation in Bulgaria, where the law enables the state to provide four different types of protection to people who are in need of it: asylum, refugee status, humanitarian status and temporary protection

51. As indicated earlier, from 2008 to 2010, Bulgaria participated in a special project, ASQEM, to monitor the quality of the asylum procedure and SAR practices, to audit decisions on asylum applications taken after July 2007 and to assess Bulgaria's training and capacity building needs. Its findings were issued in two reports and initially discussed with a Project Implementation Board comprising representatives of UNHCR, SAR and BHC.

52. The ASQEM project represents an important and timely initiative. It has engaged UNHCR and SAR in a joint process, provided an opportunity for improved dialogue and coaching, and has also enabled the experience gained in other European countries to be made available to Bulgaria.

53. In addition, the project identified some important shortcomings in the country's RSD procedure, not least the tendency of most interviewers to follow a pre-set interview template, rather than asking follow-up questions to obtain further information or to address inconsistencies in the applicant's account. Further difficulties were revealed in relation to the quality of interpretation and Country of Origin information (COI) available in Bulgaria.

54. After the evaluation process, ASQAEM made 53 specific recommendations, most of which were accepted by SAR. A follow-up project on 'Further Developing Asylum Quality' is currently under way. Even so, these initiatives will not necessarily bring about all of the improvements required to Bulgaria's RSD procedure, especially in the short term.

55. The absence of adequate levels of legal advice and representation is a particular concern in this respect. During interviews with four female Iraqi asylum seekers in Sofia, for example, it became clear that only one was aware of the existence of BHC. While all had been interviewed by SAR, none had received legal advice in preparation for their asylum interviews. Worryingly, they considered that this was not necessary as "it will only be needed in case of a negative decision.

### **Policy-specific recommendation**

56. The RSD component of UNHCR's new urban refugee policy should be revised so as to clarify its relevance to countries where the state has assumed effective responsibility for this function.

### **Country specific recommendation**

57. Based on the findings of ASQAEM, UNHCR should continue to monitor and support the strengthening of Bulgaria's RSD procedure, focusing particularly on those gaps identified above, namely interviewing methods, interpretation, Country of Origin information, legal advice and representation.

## Community outreach

58. UNHCR's new urban refugee policy obliges the organization to adopt a range of different outreach methods, all of them designed to strengthen UNHCR's relationship with refugees and asylum seekers, especially those with specific needs and those who are unable to make direct contact with the organization.

59. While these components of the new policy are of particular relevance to Bulgaria, UNHCR's limited presence and resources, coupled with the state's important role in refugee protection and assistance, require UNHCR to pursue a partnership approach in relation to community outreach.

60. As already noted, the majority of refugees and asylum seekers in Bulgaria are scattered across the suburbs of Sofia. With the exception of those who approach the organization directly, UNHCR has no systematic contact with them. As many of the people enter Bulgaria in an irregular manner have been obliged to become involved with human smuggling and trafficking networks, their lack of visibility places them in a vulnerable situation. Of particular concern in this context are unaccompanied and separated minors, most of whom seem to disappear soon after arriving in the country.

61. UNHCR's annual Participatory Assessment provides an important means of reaching out to refugee communities and identifying key protection gaps. Yet, as indicated earlier, this exercise has largely been confined to asylum seekers living in SAR reception centres or refugees participating in the NPRI.

62. While NGOs and refugees informed the evaluation team of emerging problems relating to homelessness and loss of livelihoods, these issues have not been captured by means of the Participatory Assessment. This situation has been compounded by the fact that SAR, other state bodies and the NGOs also lack proactive outreach programmes. In addition, refugee community groups are currently few and under-resourced.

63. On a more positive note, plans are under way for the UNHCR to establish a dialogue with the municipalities of Sofia, Plovdiv, Varna and Burgas, all of which are members of the EURO CITIES network and its 'Integrating Cities' Initiative. Furthermore, the Council of Refugee Women (CRW), which has been in existence since 2002 and which is supported by UNHCR and BRC, has assumed responsibility for helping primarily Arabic-speaking refugee women to make contact with mainstream service providers. While this work is commendable, it must also be noted that more than 70 per cent of the recent asylum applications in Bulgaria have been submitted by men.

64. Another promising outreach opportunity is to be seen in the establishment of a project to provide IT training to refugees, funded by UNHCR and Microsoft Community Technology Access (CTA). The project is located in the same building as Sofia's Ethiopian Association and is close to the city's largest open market, as well as the suburb of Nadejda where the majority of refugees live. It has the potential to

serve as a meeting place for refugees and asylum seekers and to act as a focal point for contact with key service providers.

### **Policy-specific recommendations**

65. UNHCR's new urban refugee policy should be complemented by a set of guidelines or effective practice examples relating to community outreach methods, taking full account of the different geographical, socio-economic, political and cultural contexts in which UNHCR has to work.

66. UNHCR should examine the ways in which the organization's protection advocacy strategies could incorporate community-based approaches, especially in countries where UNHCR's presence and role is limited.

### **Country-specific recommendations**

67. When signing agreements with urban implementing partners, UNHCR should introduce a provision requiring all projects and programmes to incorporate a focus on the 'hard to reach' component of the refugee and asylum seeker population.

68. UNHCR should undertake a review of the potential of the CTA facility to serve as a community centre and service-delivery focal point in Sofia.

69. UNHCR should encourage SAR to recognize its responsibility to reach out to asylum seekers living outside its own facilities and to refugees who are unable to participate in the NPIR.

70. UNHCR should take immediate steps to initiate its planned outreach activities in relation to municipalities that are actual or potential areas of refugee settlement.

## Access to shelter and services

71. UNHCR's new urban refugee policy states that the organization will advocate with the authorities to ensure that refugees have equitable and affordable access to shelter and essential services and that it will monitor the living conditions of refugees in cities and towns, so as to ensure that they do not fall below acceptable standards. The relevance of these provisions to the situation in Bulgaria has already been underlined, especially in relation to the need for better data collection and analysis on the situation and living standards of refugees.

72. With respect to the issue of shelter, the findings of this review suggest that conditions in the two SAR registration and reception centres in Sofia and Banya remain below acceptable standards and are in urgent need of improvement, despite the recent ERF-funded refurbishment that has taken place.

73. Based on the findings of the 2010 Participatory Assessment, it is understood that the part of the building currently occupied by asylum seekers has no cooking, laundry or refrigeration facilities. The water and electricity systems are in disrepair, with asylum seekers being left without hot water for a number of days each month. Problems also exist with regard to hygiene and pest control. Asylum seekers are often provided with beds that are in poor condition and have to supply their own cooking utensils, bedding and other household items.

74. A number of rooms are not in use because they are considered unfit for human habitation. The section of the building that is currently operational has consequently become overcrowded, with six asylum seekers housed in each room.

75. Little is known about the housing situation of asylum seekers who are not eligible for SAR reception services, although homelessness appears to be an emerging problem. During the first ten months of 2010, the Bulgarian Red Cross reported that it had to deal with up to 35 refugees and asylum seekers who found themselves in this situation. A number of these cases involved asylum seekers who had waived their entitlement to reception assistance in order to be released from detention.

76. During a discussion with refugees, reference was also made to a mobile population of up to 20 asylum seekers who are known to live in an empty building near the SAR premises in Sofia, alongside homeless Bulgarian drug-addicts and alcoholics.

77. After recognition, refugees and people who are granted humanitarian status must leave the SAR reception facility within two weeks, although those with specific needs are exempted from this requirement. The BRC is contracted by SAR to assist refugees to find accommodation, to arrange for utilities to be connected and to advise on rental contracts.

78. Refugees are effectively excluded from access to public housing in Sofia. To qualify for such accommodation, at least one household member must be a Bulgarian national who has resided continuously in Sofia for a minimum of ten years and who

is officially registered there. Despite the discriminatory nature of this regulation, no proposal for its amendment has been included in the NPIR for 2011-2013.

79. Many refugees face considerable difficulties when they try access private housing as a result of the short period of time (two weeks) that people who are granted status are allowed to remain in a reception centre while looking for longer-term accommodation. This situation is exacerbated by the refugees' inability to make advance rental payments and to pay agency fees, their limited knowledge of the Bulgarian language, discriminatory attitudes amongst landlords and delays of up to three months in the payment of SAR's financial and housing allowances.

80. Despite these difficult circumstances, UNHCR and its partners do not appear to have formulated a clear strategy in relation to the growing problem of shelter, although UNHCR is currently planning to hold a dedicated meeting on this issue with relevant stakeholders.

81. One of the most important of these stakeholders will be the Ministry of Regional Development and Public Works, which is the body responsible for including refugees, as a vulnerable social group, in the design of a 'Programme for ensuring access to housing for low-income families'. The Ministry is also responsible for administering the European Regional Development Fund, which addresses the housing situation of disadvantaged groups in Bulgaria.

## **Healthcare**

82. Under Bulgarian law, asylum seekers residing in SAR reception centres are entitled to health insurance, free medical services and psychological assistance under the same conditions and procedures applicable to Bulgarian citizens. At the Sofia reception centre a medical doctor and a nurse are *in situ*, responsible for dealing with basic health problems. There is a risk that this service will soon end, however, as the reception centre is not officially registered as a General Practitioner's (GP) clinic.

83. Some GPs are reluctant to include asylum seekers in their registers because of unfamiliarity with their health insurance status, while others refuse due to a lack of interpretation services. Medical consultations are often delayed, moreover, due to (a) the late payment of SAR's monthly health insurance contributions, (b) a lack of awareness amongst health providers in relation to the entitlements of asylum seekers and (c) the limited understanding that many asylum seekers have of the Bulgarian healthcare system.

84. Refugees and persons with humanitarian status have the same access to health care as Bulgarian citizens, with children up to the age of 18 receiving medical assistance free of charge. Those attending the NPIR are eligible for health insurance paid by SAR for a period of up to one year.

85. Other refugees, including those who have specific needs and who are therefore unable to attend the NPIR, have to pay for their own health insurance. If they do not do so, then they are only eligible to access a limited number of free medical services, such as emergency, obstetric and mental care. As the majority of refugees work in the informal economy, moreover, they do not have access to health insurance organized and/or subsidized by their employer.

86. Bulgaria adopted a National Health Strategy three years ago. At that time, refugees were not included in the definition of 'disadvantaged minorities' which the strategy identifies and seeks to target.

87. One objective of the strategy is to facilitate medical consultations for people who lack health insurance, so that they can be screened for dangerous conditions such as diabetes, TB and cancer. But as the whereabouts of many refugees is not known to local health structures, disseminating information to them about these screening opportunities represents a key challenge.

88. One practice that is of interest in this respect concerns the engagement of Roma health mediators who are paid by local municipalities to liaise with the Roma population. A similar model might be envisaged for Sofia's refugee communities, although such an initiative would require the municipal authorities of Sofia to assume greater responsibility for refugees living within the city boundaries.

### **Education**

89. In Sofia, an average of 20 to 30 children reside at a SAR reception centre at any given time. Bulgarian language classes are organized four hours per day for an initial period of three months and up to a maximum of one year, depending on the child's needs. These classes are reportedly not particularly effective in teaching refugee children the skills that they need to pass Bulgaria's school placement exams.

90. Those who do pass the exams are usually enrolled in grades that are lower than their respective age group, and no additional support is available that would enable such refugee children to catch up. As a result, some of the older children end up dropping out of school, either to work or to assist their parents with domestic chores.

91. There are substantial shortages in the provision of integration services to children. They are not eligible for the financial support that is provided to adult refugees under the NPIR. The majority do not attend state kindergartens due to a shortage of places and strict enrolment deadlines. And there is no system for monitoring the integration of refugee children into the school system.

92. Under the NPIR for 2011-2013, however, a number of positive measures have been proposed with respect to the training of teachers, the prevention of early dropouts and the development of standardized tests to facilitate school placement for children who lack proof of prior educational attainment.

### **Policy-specific recommendations**

93. UNHCR's urban refugee policy should further emphasize and elaborate on the role of partnership and cooperation with mainstream service providers at the national and local levels.

94. The policy should also provide guidance with respect to the formulation of UNHCR advocacy strategies which encourage relevant government departments to assume greater responsibility for the well-being of refugees.

### **Country-specific recommendations**

95. UNHCR should develop an advocacy strategy that is designed to ensure that refugees and asylum seekers in Sofia and other Bulgarian cities have equitable access to affordable and appropriate accommodation.

96. UNHCR should encourage the Bulgarian authorities to facilitate refugee access to national healthcare services and to consider the engagement of health mediators from the refugee community.

97. UNHCR should take steps to ensure that the performance and integration of refugee children into the Bulgarian school system is effectively monitored.

## Livelihoods and self-reliance

98. The promotion of livelihoods and self-reliance is a central pillar of UNHCR's new urban refugee policy. Such an approach is also a necessity in Bulgaria given the minimal amount of state support available for refugees and citizens alike.

99. Asylum seekers in Bulgaria do not have the right to work unless the duration of the RSD procedure exceeds one year. Those staying at an official reception centre receive an allowance of around \$ 45 a month, which is inadequate to meet basic needs in terms of food, clothing and other essential items.

100. Such assistance is not available to those who have submitted repeat applications, who have had their applications suspended or terminated due to onward movement, or who have waived their right to assistance in order to be released from detention. The consequence of this situation is that a large number of asylum seekers work in the informal economy in order to survive, something that is well known to the authorities.

101. Refugees and people who are granted humanitarian status have full access to the Bulgarian labour market, while those attending NPIR courses are entitled to a housing allowance, some very modest (\$ 2.66 a day) financial assistance in the form of a 'scholarship', as well as a monthly travel grant. In principle, these allowances are paid for a 12-month period following recognition. But in practice, nine months is the norm.

102. The level of assistance provided through the 'scholarship' arrangement is insufficient to cover basic subsistence needs. Unless they have access to social support networks, refugees are at risk of living in abject poverty. Some refugees have reportedly refused to participate in the NPIR for this very reason.

103. As indicated earlier, those refugees who are unable to attend NPIR courses because of age, health, family or other reasons are excluded from SAR assistance. While such people are technically eligible for the same benefits and allowances that are paid to vulnerable Bulgarians, access to such entitlements is usually difficult unless a social worker is available to guide them through the system. Due to resource constraints, social workers are in short supply.

104. Refugees are also entitled to monthly social assistance benefits calculated on the basis of the 'minimum guaranteed income', which stands at just over \$ 45.00 and which is adjusted in accordance with variables such as age, family composition and health status. To qualify, however, they must have first registered with their local Labour Office for a period of nine months.

105. Only a few refugees register for such benefits and more often than not, they drop out before the nine-month registration period has been completed. Without the necessary Bulgarian language skills, they find it difficult to enrol in vocational training courses.

106. To enrol in a formal vocational training programme, refugees have to provide evidence that they have completed at least four years of basic education. In the case of people without proof of prior education in their country of origin, they can only participate in vocational programmes if they are first able to obtain a certificate of educational attainment equivalent to four years of schooling in Bulgaria.

107. In addition to these difficulties, refugees are confronted with other challenges in the Bulgarian labour market:

- securing legal work is almost impossible for most, as refugees are rarely offered formal employment contracts.
- in cases where they are offered a contract, the wages are usually minimal and the working conditions unattractive.
- with the onset of the global economic crisis, refugee employees are often the first to be made redundant when job cuts are required
- while some refugees have chosen to become self-employed rather than looking for paid work, such small-scale entrepreneurs have found it difficult to secure bank loans without the required guarantees.

108. Refugees try to cope with these circumstances in a variety of ways. As with the asylum seekers, some find work in the informal sector, often for business people originating from the Middle East and China. Others leave Bulgaria, either periodically or on a long-term basis, so as to work and earn money elsewhere.

109. The evaluation team also heard of refugees who had decided to give up life in Bulgaria and to go back to their own country because of the economic and employment difficulties they had experienced. There are some evident protection risks associated with this situation, underlining the need for UNHCR and its partners to prioritize the issue of livelihoods and self-reliance.

110. Although it is not easy to be optimistic in the current economic climate, some positive action is being taken in relation to these issues. The Ministry of Labour and Social Policy and the Bulgarian Development Bank, for example, are in the process of restarting an entrepreneurship programme which will provide refugees with business advice, training and small grants.

111. Under a joint project of the BRC and National Chamber of Crafts, computer literacy training will be provided to 16 refugees for a total of 120 hours. In addition, discussions are under way for the establishment of a cookery and language training course for five refugee women.

112. As far as UNHCR is concerned, the engagement of an Integration Consultant and Integration Assistant will allow the organization to focus more systematically on the socio-economic dimensions of the refugee situation in Bulgaria. In this context, UNHCR is planning to map the national employment initiatives in which refugees might be included, and also examine the issue of refugee access to income-generating, skills development, vocational training and micro-credit schemes.

113. UNHCR is also involved in discussions on the NPIR for 2011-13. Under the current draft, it is envisaged that refugee access to the labour market will be

facilitated, that specialized job fairs for refugees will be organized and that a database of refugee skills and qualifications will be established. Arrangements for refugees to simultaneously receive vocational training and Bulgarian language training will also be introduced.

### **Policy-specific recommendation**

114. UNHCR should consider how long and what form its engagement should take with recognized refugees who have been granted legal residence as well as rights and entitlements in parity with nationals, but who are nevertheless unable to become self-reliant.

### **Country-specific recommendations**

115. UNHCR should promote the formulation of an integrated approach to vocational and language training for refugees in Sofia and other Bulgarian cities, involving all relevant actors: SAR, the Ministry for Labour and Social Policy, the Ministry for Education and the National Agency for Employment.

116. UNHCR should encourage mainstream services providers such as the government's Social Assistance Centres, Labour Offices and the Ministry of Education to play a more active role in the delivery of the NPIR.

117. UNHCR should encourage SAR to ensure that the training it provides is fully integrated into the national vocational training framework and serves as a precursor to further training, full certification and, in the long term, gainful employment.



## Durable solutions

118. UNHCR's new urban refugee policy states that the organization will strive to ensure that all refugees within a given country and region, including those living in cities and towns, enjoy similar standards of treatment and have equal access to durable solutions opportunities.

119. In the Bulgarian context, UNHCR has recognized that local integration is the only viable durable solution for most urban refugees. No resettlement has taken place from Bulgaria since 2004, and refugees from countries that continue to be afflicted by armed conflict and human rights are evidently not prepared to consider repatriation, unless, they feel forced to do so by the difficulty of their situation in Bulgaria.

120. Recognizing the importance of local integration, in 2009, UNHCR's Regional Representation for Central Europe (RRCE) developed a policy framework on the legal, socio-economic and cultural dimensions of the local integration process, taking full account of prevailing conditions in the region. The policy framework has been translated into Bulgarian and used to underpin UNHCR's advocacy and programmatic activities.

121. As mentioned previously, Bulgaria's National Programme for the Integration of Refugees (NPIR) aims to benefit 100 people a year by providing them with language and vocational training, social orientation, housing and financial allowances, kindergarten fees, assistance for books and other school materials.

122. The NPIR initiative is commendable in many ways, especially as it has been developed in a middle-income country that is a relative newcomer to the issue of refugee protection and solutions. In many contexts outside the industrialized states of the European Union and North America, it could be held up as an example of good practice.

123. The NPIR has its limitations, however. It currently reaches less than 30 per cent of the people who were recognized as refugees or granted humanitarian status in 2009. And the services that it provides for that limited number of people are not of particularly high quality.

124. Delivering integration services in the camp-like setting of a reception centre, coupled with the minimal financial assistance provided to those participating in the programme, has proven to be less than optimal way of enabling refugees to acquire the skills and tools that they need to integrate in Bulgarian society.

125. Indeed, the existing approach appears to have contributed to the marginalization of the refugee population and their isolation from local communities and mainstream service providers, who have been needlessly excluded from the local integration programme. Neither have attempts been made to outsource parts of the programme, such as vocational training, to specialist organizations. .

126. Another difficulty is to be found in the inflexibility of the NPIR. Language courses, for example, are currently provided during the day and therefore cannot be combined with job-seeking, employment or income-generating activities. Vocational training courses such as sewing classes, are run in parallel with language classes, making it impossible for refugees to combine the two. Furthermore, as these activities are not fully integrated in the national vocational training framework, they do not provide an effective springboard to employment.

127. Confronted with the prospect of working in the informal economy, living in poverty and failing to find a niche in Bulgarian society, many refugees simply vote with their feet and move on to other countries, rather than pursuing the option of local integration. Indeed, during the first half of 2010, only six families and 13 individuals were enrolled in the NPIR.

128. On average, less than 50 per cent of those people who are recognized as refugees or granted humanitarian status enrol in the NPIR, and only a few stay until the end of the programme. As a result, only 30 to 40 per cent of the funds set aside for the programme are actually expended. The remainder of the money is returned to the state coffers at the end of each year.

129. For its part, the UNHCR office in Sofia has until very recently lacked the human resources needed to address the issue of local integration in a systematic and effective manner. In fact, most of activities undertaken by the office to date have been related to UNHCR's traditional concerns in EU member states: protection from *refoulement* and the establishment of a functioning asylum system and RSD procedure.

130. That situation now looks set to change, as demonstrated by the recent decision to appoint an Integration Consultant and Integration Assistant to Sofia. A principal challenge will now be to move away from the existing and largely dysfunctional model of integration to one that is oriented towards community-based approaches and the inclusion of local authorities and other mainstream service providers.

131. Another promising development is to be found in the piloting of an integration evaluation tool, led by UNHCR's Regional Representation for Central Europe and developed in association with the Brussels-based think-tank, the Migration Policy Group.

132. The purpose of this tool is to assess the effectiveness of integration policies and programmes in the region by creating a basis for systematic data collection and a comparative analysis of integration outcomes. The tool has already been presented to the authorities in Bulgaria and discussions are underway with respect to its implementation.

133. As indicated earlier, there have been no cases of resettlement from Bulgaria since 2004. As a party to the UN Refugee Convention and as an EU member state since 2007, an assumption prevails that conditions in the country are conducive to the local integration of Bulgaria's relatively small refugee population and that resettlement is therefore unnecessary.

134. That is, perhaps, a questionable assumption. It is certainly true that refugees in Bulgaria are not exposed to the legal and physical protection risks that have

triggered the establishment of resettlement programmes elsewhere in the world. It is equally true to say that the country's refugee population is very modest in size and consequently places only a limited amount of pressure on Bulgaria's society and economy.

135. Even so, it has to be recognized that Bulgaria's refugees are currently unable to become self-reliant and to live the productive and dignified life one associates with the concept of a 'durable solution'. Hence the importance of formulating new and more effective approaches to the challenge of local integration.

136. Despite the difficulties described above, discussions have been under way since 2008 with respect to the establishment of a programme that would resettle refugees in Bulgaria from other parts of the world. These discussions have been encouraged by UNHCR on the understanding that the Bulgarian authorities and SAR fully recognize the obligations that this would place on them in terms of the effective reception and integration of resettled refugees.

137. First announced to UNHCR in June 2010, SAR is currently in the process of drafting a resettlement policy and programme for adoption by the Council of Ministers and implementation in 2012. This represents an enormous challenge and perhaps even a risky gamble. If people who are granted refugee status in Bulgaria are leaving the country in significant numbers because of their poor integration prospects, who is to say that refugees who are resettled in Bulgaria will not end up by also voting with their feet?

#### **Policy-specific recommendation**

138. UNHCR should provide further guidance with respect to the particular challenges and requirements associated with the promotion of local integration in urban areas.

#### **Country-specific recommendations**

139. UNHCR should adjust its advocacy strategy in Bulgaria so as to promote a move away from the camp-style integration services currently provided by SAR and towards a new model of community-based integration, involving the local authorities, labour and social welfare offices, schools, health providers and NGOs.

140. UNHCR should endeavour to ensure that this community-based approach is incorporated into the National Programme for the Integration of Refugees.

141. UNHCR should undertake a risk assessment with respect to the notion of resettling refugees in Bulgaria, and on that basis outline the conditions that must be fulfilled for their successful integration.