

Migration in Bulgaria: A Country Profile 2008



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Migration in Bulgaria:

A Country Profile

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CONTENTS

List of tables	4
Acronym list	5
Foreword.....	7
Executive Summary: General Assessment of Migration Issues.....	11
1. Immigrants	13
1.1. Number of immigrants	13
1.2. Status of immigrants	13
2. Emigrants	17
2.2. Status of emigrants.....	17
2.3. Main countries of destination	17
3. Remittances	21
3.1. Quantitative aspects of remittances	21
3.2. Qualitative aspects of remittances	21
4. Migrant communities/diasporas.....	25
4.1. Description of the relationship between the diasporas and the country of origin.....	25
4.2. Migrant communities/diasporas' organizations by country of destination.....	25
5. Irregular migration	29
5.1. Figures and information on irregular movements.....	29
5.2. Figures and information on return migration flows	32
5.3. Figures and information on trafficking in human beings.....	34
6. Assessment and analysis of migration issues	37
6.1. Government institutions responsible for migration policy	37
6.2. International legal framework in place relevant to migration	39
6.3. Migration policies in place	42
6.4. The scale of brain drain and policies to address it.....	43
6.5. Policies to address irregular migration	44
6.6. Policies to address trafficking in human beings	44
6.7. Refugees, asylum seekers and relevant policies in place.....	48
6.8. Other important migration actors within the country	50

LIST OF TABLES

Table 1. Asylum applications in Bulgaria, 1993-2007.....	13
Table 2. Top ten refugee countries of origin, 1993-2007.....	14
Table 3. Main countries of origin of applicants in 2006	14
Table 4. Work permits granted in 2006 by nationality	15
Table 5. Long-term residence permits granted in 2006	15
Table 6. Reasons for applying for long-term residence permit in 2006.....	16
Table 7. New short-term residence permits (up to one year) granted in 2006	16
Table 8. Reasons for applying for short-term residence permit in 2006.....	16
Table 9. Emigration of ethnic Turks according to 1992 census in Bulgaria....	17
Table 10. Stocks of Bulgarian nationals in selected countries of destination..	18
Table 11. Estimates of stocks of Bulgarian emigrants abroad by countries of destination, 2005.....	19
Table 12. Working-age Bulgarian citizens residing in EU member states, 2007	19
Table 13. Amount of incoming migrant remittances in million USD.....	21
Table 14. Remittances as a percentage of GDP	21
Table 15. Methods of transferring remittances used by Bulgarian migrants ...	23
Table 16. Bulgarian nationals apprehended within the EU (2003-2005).....	29
Table 17. Apprehensions of Bulgarian nationals by EU member states and accession countries in 2003.....	30
Table 18. Bulgarian nationals refused entry to EU, 2003-2005.....	30
Table 19. Aliens refused entry to Bulgaria, 2002-2005	30
Table 20. Apprehended aliens illegally present in Bulgaria, 2002-2005	31
Table 21. Number of border violations by country of origin.....	31
Table 22. Aliens removed from Bulgaria, 2002-2006.....	32
Table 23. Number of persons forcibly returned from Bulgaria in 2005-2006 by nationality	32
Table 24. Bulgarian nationals removed from the EU and EU accession countries in 2003	33
Table 25. Number of IOM-assisted voluntary returns to Bulgaria, 2005-2006	34
Table 26. Number of victims trafficked to or originating from Bulgaria, 2000-2004	35
Table 27. Official data for victims of trafficking of the National Commission for combating trafficking in persons.....	35
Table 28. Victims of trafficking assisted by IOM, 1999-2007.....	35
Table 29. Prosecution of trafficking cases	36

ACRONYM LIST

ABA	State Agency for Bulgarians Abroad
BCR	Bulgarian Council for Refugees
BHC	Bulgarian Helsinki Committee
BRC	Bulgarian Red Cross
BSEC	Organization of the Black Sea Economic Cooperation
DWC	Decent Work Country (programme)
EU	European Union
ILO	International Labour Organization
IOM	International Organization for Migration
Moi	Ministry of Interior
NGO	Non-governmental Organization
OECD	Organization for Economic Co-operation and Development
RCP	Regional Consultative Process
RMS	Refugee-Migrant Service
SAR	State Agency for Refugees
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WGCC	Working Group on Combating Crime

FOREWORD

International migration is a prominent feature of globalization and one of the defining issues of this century. Increasingly, migration entails economic, social, demographic, cultural, security and environmental effects on both sending and receiving societies. The task of formulating effective and coherent approaches for the management of international migration poses formidable challenges and frequently has led to regional initiatives such as Regional Consultative Processes (RCPs).¹ These initiatives – which address a wide range of migration issues including migration and development, integration of migrants, smuggling of and trafficking in persons, irregular migration and so on – often reflect the different migration agendas of governments even though the challenges they face may be similar in nature.

Within this context and considering its proactive role in various RCPs, the International Organization for Migration (IOM) signed a Memorandum of Understanding with the Organization of the Black Sea Economic Cooperation (BSEC) in 2006. One of the main aims of this agreement is to enhance cooperation in addressing irregular migration and combating trafficking in persons in the Black Sea region, an area that experiences significant migration challenges as a transit, origin, and destination hub for migrants. Consequently, in 2007, IOM launched the “Black Sea Consultative Process on Migration Management”, a joint project with the BSEC’s Working Group on Combating Crime (WGCC) (Particularly its Organized Forms).

The project aimed to contribute to effective migration management in the Black Sea region as well as combating irregular migration through strengthened regional cooperation and capacity building of relevant authorities in all twelve member states of the BSEC.² Specifically, IOM has drafted national **Migration Profiles** for those countries where such documents did not exist, and has reviewed and updated existing Profiles.³

Why country Migration Profiles? A concept and tool promoted by the European Commission, the Profiles are an evidence-based approach to assess the migration situation in a country. IOM has adopted and further developed this

¹ Regional Consultative Processes bring together representatives of states, international organizations and, in some cases, non-governmental organizations (NGOs) for informal and non-binding dialogue and information exchange on migration-related issues of common interest and concern.

² Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, the Russian Federation, Serbia, Turkey and Ukraine.

³ Within the framework of the Slovenian presidency of the EU, IOM prepared Migration Profiles for the Western Balkan Countries including BSEC members Albania, Serbia and Turkey.

concept and has since implemented it in various regions such as the Balkans, Western and Central Africa, and Latin America. The intention is to contribute towards greater coherence of national migration policies and enhanced regional cooperation. This requires appropriate compilation of internationally comparable data among other features such as national coordination and cooperation among involved authorities and pursuit of an active international cooperation at bilateral, regional and global levels. The Profiles, using a common template, allow for comparability despite data limitations⁴ and different national contexts.

Furthermore, to ensure the legitimacy and recognized value of the Profiles, the BSEC member states and the BSEC WGCC provided substantial feedback on the Profiles. Drafted in IOM's office in Budapest and coordinated with IOM's Research Unit at IOM Headquarters in Geneva and the respective IOM office in each of the BSEC countries – to ensure high-quality – the Profiles also offer a set of policy recommendations for effective migration management in the region. These were thoroughly discussed during an expert meeting of the BSEC's WGCC in Istanbul on 10 September 2008. Subsequently, the recommendations were approved by the BSEC's Council of Ministers of Foreign Affairs that convened in Tirana on 23 October 2008.

This set of Profiles is the result of intensive cooperation between many individuals within IOM and among IOM and other stakeholders. The input of the following people is highly appreciated: Christine Aghazarm and Verónica Escudero, Research Unit in IOM Geneva, as authors of the regional overview and for their extensive review of all the Profiles, Frank Laczko, head of the Research and Publications in IOM Geneva, for his supervision throughout the project, IOM staff in IOM offices in all the BSEC countries, and the dedicated finance and administrative colleagues in IOM Budapest. Special thanks to IOM's 1035 Facility who funded this project. Moreover, particular gratitude is warmly given to the Organization of the Black Sea Economic Organization as the associate organization in this project, especially the Permanent International Secretariat who kindly arranged the meetings related to the implementation of the project. Not least, IOM gratefully acknowledges the support of the BSEC Member States in the production of the Profiles, above all for their input to their specific country profile and the endorsement of the regional migration policy recommendations.

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⁴ For a discussion on the quality and limitations migration data, see the regional overview.



Bulgaria – Basic facts	
Population (2005)	7,745,000
Total Area	110,910 sq. km
GDP per Capita PPP	USD 8,078
Human Development Index (HDI) Rank	54 of 177
Net Migration Rate	-1.3 migrants/1,000 population
Sources: United Nations Department of Economic and Social Affairs, Population Division's World Population Prospects: The 2006 Revision Population Database; UN Development Programme Human Development Report, 2006.	

EXECUTIVE SUMMARY: GENERAL ASSESSMENT OF MIGRATION ISSUES

As in most Central and Eastern European countries during the socialist regime period, migration possibilities from and to Bulgaria were extremely limited. The first emigration wave after the collapse of the socialist regime was ethnic in character and mainly concerned Bulgarian Turks who left the country in 1989, moving mainly to Turkey in protest of the forcible change of their names in 1985, and later, as a result of an economic decline that affected the mixed ethnic regions of Bulgaria. According to the 1992 Census, some 345,000 Bulgarian citizens of Turkish origin emigrated to Turkey between 1989 and 1992.¹ This outflow eventually stopped, partly due to the restoration of cultural and religious rights of Bulgarian Turks in the country as well as the restrictive visa regulations introduced by Turkey.²

This mainly ethnic and political emigration was followed by a wave of economically motivated emigration of ethnic Bulgarians. According to the 1992 and 2001 Census, the number of emigrants during these years was about 196,000, while about 19,000 returned to Bulgaria.³ The National Statistical Institute estimates annual emigration at 10,000-12,000 persons and forecasts a decline to 6,000-8,000 persons after 2010.⁴

With the lifting of Schengen visa requirements in 2002, migration towards Western Europe continued with the preferred countries of destination being Germany, Greece, Spain, Italy and France.

However, despite the positive impact that the immigration of EU-8 workers⁵ has had on the British economy, the United Kingdom decided not to apply a similarly liberal scheme to Romanian and Bulgarian job seekers when these countries acceded to the European Union (EU) on 1 January 2007. Instead, under the scheme announced, only a few experts and 20,000 unskilled workers for the food processing and agriculture industries were allowed entry to the United

¹ OECD (1997) *Trends in International Migration: SOPEMI*, p. 81

² OECD (1995) *Trends in International Migration: SOPEMI*, p.135

³ IOM (2003) *Bulgaria – The Impact of Seasonal Migration, Migration Trends in Selected EU Applicant Countries, Volume 1*, Vienna.

⁴ OECD (2007) *International Migration Outlook: SOPEMI 2007 edition*, Paris.

⁵ Consists of Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia. EU-10 covers Malta and Cyprus in addition to the countries listed.

Kingdom. Ireland shortly followed suit. All EU-15 countries, with the exception of Sweden and Finland, decided to restrict Bulgarian and Romanian nationals' access to their labour markets. All EU-10 countries decided to open their labour markets, with the exception of Malta, which restricts access, and of Hungary, which imposes some conditions.⁶

According to the 2007 Eurostat Labour Survey,⁷ the overall level of migration of Bulgarian nationals to the EU is not substantial, with the exception of Mediterranean countries, notably Spain. There are currently approximately 100,000 Bulgarians of working age residing in Spain out of approximately 200,000 in the whole of the EU. Other significant countries of destination are Germany, Greece, and Italy. A survey commissioned by the Bulgarian government prior to its EU accession shows that only 45,000-50,000 Bulgarians would consider moving abroad following the EU enlargement.⁸

According to the Ministry of Interior (MoI), there were approximately 55,000 foreigners with permanent residence status (the right to indefinite stay) in Bulgaria in 2006.⁹ The majority of those who were granted permanent resident status in 2006 were from Turkey, the Russian Federation, Ukraine, and the former Yugoslav Republic of Macedonia.

⁶ EurActiv (2009). *Free Movement of Labour in the EU-27*, <http://www.euractiv.com/en/enlargement/free-movement-labour-eu-25/article-129648>

⁷ Eurostat (2007) Labour Force Survey, http://ec.europa.eu/employment_social/news/2007/nov/bgro.pdf

⁸ Traser, J. (2008) *Who is Afraid of the EU's Latest Enlargement? The Impact of Bulgaria and Romania Joining the Union on Free Movement of Persons*, European Citizen Action Service.

⁹ National Statistical Institute, after Bulgarian Helsinki Committee (2006) *Research of the Rights of Migrants in Bulgaria from a Human Rights Perspective*.

1. IMMIGRANTS

1.1. Number of immigrants

.....	104,076 (2005) ¹⁰
As percentage of total population.....	1.3% (2005) ¹¹
Gender ratio.....	57.9% female (2005) ¹²

1.2. Status of immigrants

<u>Refugees/asylum seekers</u>
5,364 (4,504 refugees, 860 asylum seekers with pending claims) (2006) ¹³	
As percentage of total <i>migrant</i> population:.....	5.01% (2005) ¹⁴

Table 1. Asylum applications in Bulgaria, 1993-2007

Year	No. of new applications
1993	276
1994	561
1995	451
1996	283
1997	429
1998	834
1999	1,349
2000	1,755
2001	2,428
2002	2,888
2003	1,549
2004	1,127
2005	822
2006	639
2007	975

Source: State Agency for Refugees.

¹⁰ United Nations Secretariat, Department of Economic and Social Affairs, Population Division (2005) *Trends in Total Migrant Stock: The 2005 Revision*. The number of international migrants generally represents the number of persons born in a country other than that in which they live.

¹¹ Ibid.

¹² Ibid.

¹³ UNHCR (2006) Statistical Yearbook 2006. The figure of 860 asylum seekers with pending claims includes the 639 new applications for asylum.

¹⁴ United Nations Secretariat, Department of Economic and Social Affairs, Population Division (2005) *Trends in Total Migrant Stock: The 2005 Revision*; UNHCR (2005) Statistical Yearbook: 2005. Own calculation based on these two sources.

Table 2. Top ten refugee countries of origin, 1993-2007

Country	No.
Afghanistan	5,454
Iraq	3,499
Armenia	1,659
Iran, Islamic Republic of	774
Serbia and Montenegro	768
Stateless	554
Nigeria	460
Algeria	354
Turkey	343
Bangladesh	288

Source: State Agency for Refugees.

Table 3. Main countries of origin of applicants in 2006

Country	No.
Iraq	533
Stateless	80
Afghanistan	77
Armenia	64
Iran	33
Nigeria	18
Bangladesh	17
Syrian Arab Republic	15
Sudan	13
Turkey	13
Total	863

Source: State Agency for Refugees.

Labour migrants

Table 4. Work permits granted in 2006 by nationality¹⁵

Nationality	No.
Turkey	211
The former Yugoslav Rep of Macedonia	165
Ukraine	125
Italy	98
Germany	96
Greece	96
Total (all countries)	1,476

Source: Ministry of Interior, 2007.

Residence Status

Migrants with permanent residence status¹⁶ as of 2006

.....55,684 (2006, Ministry of Interior)¹⁷

Table 5. Long-term residence permits granted in 2006¹⁸

Country of origin of applicants	No.
Turkey	903
Russian Federation	455
Ukraine	228
The former Yugoslav Republic of Macedonia	213
China	165
Total (all countries)	3,149

Source: Ministry of Interior, 2007.

¹⁵ Ministry of Interior, Bulgaria (2007) *Report on the Migration Situation in the Republic of Bulgaria in 2006* (in Bulgarian).

¹⁶ According to the Foreigners in the Republic of Bulgaria Act, permanent residence is granted for an indefinite period of stay. Long-term residence includes both permanent residence and continuous residence (for up to one year). Short-term residence is granted for up to three months.

¹⁷ Ministry of Interior, Bulgaria (2007) *Report on the Migration Situation in the Republic of Bulgaria in 2006* (in Bulgarian).

¹⁸ Ministry of Interior, Bulgaria (2007) *Report on the Migration Situation in the Republic of Bulgaria in 2006* (in Bulgarian).

Table 6. Reasons for applying for long-term residence permit in 2006¹⁹

Reason	%
Marriage to a Bulgarian citizen	37.4
Married to a person of Bulgarian nationality or foreigner permanently residing in the country	22.2
Born in Bulgaria but lost Bulgarian citizenship	18.1
Minor children (under 18 years old) of Bulgarian citizens or of foreigners permanently residing in the country	12.3
Permanently residing in the country during the last five years	10
Total	100

Source: Ministry of Interior, 2007.

Table 7. New short-term residence permits (up to one year) granted in 2006²⁰

Country of origin of applicants	No.
The former Yugoslav Republic of Macedonia	2,252
Turkey	2,051
United Kingdom	1,840
Russian Federation	1,075
Greece	697
United States	695
Ukraine	571
Germany	452
Cyprus	422
Italy	305
Total (all countries)	14,694

Source: Ministry of Interior, 2007.

Table 8. Reasons for applying for short-term residence permit in 2006²¹

Reason	No.
University students	5,650
Persons conducting economic activities in the country	3,428
Persons entitled to the right of long-term residence or married to a Bulgarian citizen or a foreigner permanently residing in the country	2,224
Members of the family of a foreigner granted with long-term residence permit	1,506
Foreign specialists residing in the country according to international agreements where Bulgaria is a party	739

Source: Ministry of Interior, 2007.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

2. EMIGRANTS

- 2.1. Number of emigrants/people in diaspora 937,341 (2005)²²
 As percentage of total population.....12.1% (2005)²³

2.2. Status of emigrants

- Refugees/asylum seekers.....
 3,438 recognized refugees and 823 pending asylum claimants (2006)²⁴
 Emigration rate of tertiary educated..... 5.8%²⁵

2.3. Main countries of destination

Table 9. Emigration of ethnic Turks according to 1992 census in Bulgaria²⁶

Year	No.
1989	218,000
1990	71,195
1991	32,164
1992	23,490
Total	344,849

Source: SOPEMI, 1995.

²² World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*.

²³ Ibid.

²⁴ UNHCR (2006) *2006 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*.

²⁵ World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*, after Docquier and Marfouk (2004) and Docquier and Bhargava (2006)

²⁶ OECD (1995) *Trends in International Migration: SOPEMI 1995*. Paris. The emigration of ethnic Turks in the early 1990s was the first large wave of emigration affecting Bulgaria after the collapse of the socialist system and was mainly due to unfavourable ethnic policies in Bulgaria as well as the economic decline in the country.

Table 10. Stocks of Bulgarian nationals in selected countries of destination

Country	No.	Year	Source
Turkey	480,800	2000	Stocks of foreign population by country of birth, OECD SOPEMI, 2007 (based on Turkish census of 2000) ¹
Spain	60,174	2006	Residence permits, Ministry of Labour and Social Affairs, Spain, 2006. ²
Germany	42,419	2002	Stocks of foreign population by nationality, Federal Statistical Office, Germany, 2002 ³
Greece	24,987	2007	Residence permits, Ministry of Interior, Greece, 2007 ⁴
United States	25,415	2000	Stocks of Bulgarian nationals (not including naturalized persons), US Census, 2000 ⁵
Italy	19,924	2007	Residence permits, ISTAT Italian Statistical Office, 2007 ⁶
Canada	15,955	2006	Statistics Canada, 2006 Census, 2006 ⁷
Austria	6,910	2007	Stocks of foreign population by nationality, Bevölkerungsstand 2007, Statistik Austria, 2007 ⁸
Czech Republic	4,600	2005	Stocks of foreign population by nationality, OECD SOPEMI, 2007 ⁹
Netherlands	2,202	2007	Statistics Netherlands, 2007 (persons entered into municipal population registers) ¹⁰

¹ OECD (2007) *International Migration Outlook: SOPEMI, 2007*, Paris.

² Ministry of Labour and Social Affairs, Spain, Permanent Observatory on Immigration (2006) *Annual Statistical Report 2006*, Madrid.

³ Statistisches Bundesamt, Statistisches Jahrbuch 2007, <http://www.destatis.de>

⁴ Ministry of Interior, Department of Social Integration, Greece, 15 October 2007

⁵ <http://www.census.gov/population/www/socdemo/foreign/datatb1s.html>

⁶ ISTAT (Italian Statistical Office) (2007) *Popolazione straniera residente per area geografica e principali paesi di cittadinanza, al 1 Gennaio 2007*.

⁷ Statistics Canada (2006) <http://www12.statcan.ca/english/census06/release/immigrationcitizenship.cfm>

⁸ Bevölkerungsstand 2007, Statistik Austria, 2007, www.statistik.at

⁹ OECD (2007) *International Migration Outlook: SOPEMI, 2007*, Paris.

¹⁰ Statistics Netherlands, Voorburg/Heerlen 16 November 2007, <http://statline.cbs.nl>

Table 11. Estimates of stocks of Bulgarian emigrants abroad by countries of destination, 2005²⁷

Country of destination	No.
Turkey	507,172
Spain	59,696
Germany	52,991
Moldova	46,210
United States	39,734
Greece	33,721
Romania	19,853
Italy	13,644
Israel	13,183
Canada	10,215
Austria	8,661
France	8,243
United Kingdom	5,948
Czech Republic	4,738
Other Countries	113,332
Total	937,341

Source: World Bank, 2005.

Please note that the figures in the above tables may vary due to methodological differences in calculating/estimating migrant stocks. For exact definitions of the calculations and methodologies used, please refer to the original sources (in footnotes).

Table 12. Working-age Bulgarian citizens residing in EU member states, 2007²⁸

EU Member State	Working-age Bulgarian citizens	% of resident working-age population	Active working-age Bulgarian citizens	% of resident active working-age population
Spain	100,000	0.3	78,000	0.4
Germany	28,000	0.1	22,000	0.0
Greece	25,000	0.3	21,000	0.4
Italy	15,000	0.0	12,000	0.0
United Kingdom	12,000	0.0	11,000	0.0
Cyprus	3,000	0.6	3,000	0.7
EU-27	200,000	0.1	157,000	0.0

Source: Eurostat, Labour Force Survey, spring 2007. Working age refers to persons aged 15 and above.
 Note: The active working age-population consists of both employed and unemployed persons.

²⁷ World Bank, Development Prospects Group (2008) Migration and Remittances Factbook 2008. Data taken from Ratha and Shaw (2007) Bilateral Estimates of Migrants Stocks Database, South-South Migration and Remittances. World Bank Working Paper No. 102, <http://go.worldbank.org/ON5YV3Y480>

²⁸ http://ec.europa.eu/employment_social/news/2007/nov/bgro.pdf

3. REMITTANCES

3.1. Quantitative aspects of remittances

Table 13. Amount of incoming migrant remittances in million USD²⁹

Year	Amount
2003	1,718
2004	1,722
2005	1,613
2006	1,695
2007	1,854 (estimate)

Source: World Bank.

Table 14. Remittances as a percentage of GDP³⁰

Year	%
2003	8.6
2004	7
2005	5.9
2006	5.5
2007	n/a

Source: World Bank.

3.2. Qualitative aspects of remittances

Surveys conducted for a 2007 World Bank report found that 80 per cent of Bulgarian migrants did not send remittances.³¹

For those migrants who are sending remittances, 30 per cent of their income on average is transferred and 49 per cent of them transfer money once a month.³² According to a study of Bulgarian migrants' remittances from Spain

²⁹ World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*.

³⁰ World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*. Own calculations based on World Bank data.

³¹ World Bank (2007) *Migration and Remittances – Eastern Europe and the Former Soviet Union*.

³² Quillin, B., C. Segni, S. Sirtaine, and I. Skamnelos (2007) *Remittances in the CIS Countries: A Study of Selected Corridors*, Chief Economist's Working Paper Series, Europe and Central Asia Finance and Private Sector Development Department, Vol. 2, No. 2, July 2007, World Bank.

conducted in 2003-2004, the level of remittances was found to be higher for men and married persons. Men remitted annually approximately 588 euros more than women from Spain to Bulgaria. Married persons remitted over 420 euros more than those in all other marital status categories.³³

The study also indicates that the legal status of an individual dramatically reduces the scale of annual remittances to Bulgaria. For instance, migrants with legal status to remain and work in Spain remitted almost 1,220 euros less yearly than those without legal status. This implies that remittance behaviour is more sensitive to the number of family members who are based in the host country (in this case, Spain) than to those who are based in the country of origin (Bulgaria). This can be explained by the fact that the primary concern of the migrant with legal status is normally to focus on his immediate family members in Spain than those in Bulgaria who are more likely merely his extended family.³⁴

The study provides a more exhaustive explanation: “those without legal status retain stronger connections with Bulgaria given the greater degree of uncertainty that attaches to their status in Spain. This type of relationship could be interpreted as a form of insurance against the risk of being apprehended and repatriated. The converse of this implies that legal status guarantees a greater degree of certainty for the migrant thus potentially reducing reliance on the Bulgarian household to act as an insurer of last resort.”³⁵

In addition, according to a survey of Bulgarian migrants who had been abroad during 2001-2005 and have returned to Bulgaria, conducted by the Centre for Comparative Studies in Sofia, the Institute of Sociology at BAS, and the National Statistical Institute, official channels for transferring remittances are rarely used. The survey looked into the methods used by Bulgarian migrants who have already returned, as well as those who were still abroad at the time of the survey, in transferring funds to their home country. The study concluded that informal methods of transfer were the most popular.³⁶

³³ Markova, E., and B. Reilly (2007) *Bulgarian Migrant Remittances and Legal Status: Some Micro-Level Evidence from Madrid*, *South-Eastern Europe Journal of Economics*, 1: 55-69.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ Boshnakov, V., and V. Mintchev (2006) *Return Migration Profile and Experience: Empirical Evidence from Bulgaria*, Global Development Network Southeast Europe, The Vienna Institute for International Economic Studies, Vienna.

Table 15. Methods of transferring remittances used by Bulgarian migrants³⁷

Method	Regularly	Once	Did not respond
Personally, in cash	56.0%	19.0%	25.0%
Bank transfers	20.7%	3.3%	76.0%
Western Union, Money Gram or other non-bank transfer methods	14.5%	4.8%	80.7%
Other methods	8.4%	1.8%	89.8%

Source: Boshnakov, Mintchev, 2006.

Remittances were used mainly for consumption and for the purchase of vehicles and property. Occasionally transfers were utilized for business development, savings, or health care. It was, however, found that about one in five households that had received transfers from abroad ran their own businesses as opposed to one in ten for the families not receiving remittances.³⁸

³⁷ Ibid.

³⁸ Ibid.

4. MIGRANT COMMUNITIES/DIASPORAS

4.1. Description of the relationship between the diasporas and the country of origin

The **State Agency for Bulgarians Abroad (ABA)** (<http://www.aba.government.bg>) is the coordinating body of the Bulgarian government for the implementation of the state policy regarding Bulgarian expatriates and Bulgarian communities around the world. Its main goals include the preservation of the Bulgarian heritage (language, culture, traditions, history) among expatriate Bulgarians and the establishment of Bulgarian associations abroad. The Agency publishes the *Ek (Echo)* magazine and its electronic version and the *BG po Sveta* (BG Across the World) electronic newspaper. It also organizes or assists in carrying out cultural events, such as concerts, exhibitions, presentations of books, and films. ABA is also the agency that certifies persons of Bulgarian origin who have applied for Bulgarian citizenship for the purpose of permanent or continuous residence in the country. It should be noted that ABA uses the term “expatriate Bulgarian” and not the term “Bulgarian emigrant”.

4.2. Migrant communities/diasporas’ organizations by country of destination

(Please note the lists below do not purport to be exhaustive or representative. IOM does not take responsibility for the accuracy of the contact details).³⁹

Greece

- Greek-Bulgarian Association of Mutual Aid and Friendship
5 Sourmeli St, 104 38, Athens (PL. Vathis)
Tel.: +30 210-5231988
- Greek-Bulgarian Friendship Association "Kiril And Methodi"
84 Alexandrias St, 546 46, Thessaloniki
Tel.: + 30 2310-414700; Fax: + 30 2310-410733

³⁹ List of all organizations is available from the State Agency for Bulgarians Abroad at <http://www.aba.government.bg/obshtnosti.php> (in Bulgarian only).

Turkey

- Organization for Culture and Solidarity of the Romelian Turks (Rumeli Turkleri Federasyonu)
<http://www.geocities.com/rumelibalkanturkfederasyonu/tarihce.htm>
- Organization of the Migrants from the Balkans (BAL-GOCH), Bursa (Balkan gocmenleri derneği (BAL – GOC), Bursa
<http://www.balgoc.org.tr/>

United States

- Bulgarian Community Centre, Washington
<http://www.geocities.com/bgccdc>
Founded in 2002, the Centre unites the Bulgarians in the region of Washington. It works for the popularization of the Bulgarian culture, education, science, and art in the United States.
- Bulgarian-American Society, Washington
<http://www.bgusa.org>

A non-profit humanitarian organization founded in 1991 to assist the Bulgarian people. It aims to support the humanitarian, educational, economic, and cultural needs of Bulgarians in Washington. It works with government officials in Washington and Sofia, and with non-profit groups and individuals who seek to promote the welfare of Bulgarians.

- Bulgarian-American Cultural Educational Society (BACES), Los Angeles
<http://www.baces.org>

BACES's purpose is to promote, preserve, and foster Bulgarian culture and tradition among its members, and to introduce certain aspects of this culture into the American way of life.

- Bulgarian-American Cultural Centre "Madara", Boston
<http://www.bgfest.org/index.html>

Founded in 2004, the Centre organizes the yearly Bulgarian Festival and other cultural events.

- Bulgarian-American Agency “Balkanika”, Philadelphia
<http://www.usbalkanika.com>

Established in 2005 to assist newly arriving Bulgarians in the United States.

5. IRREGULAR MIGRATION

5.1. Figures and information on irregular movements

Irregular migrants enter Bulgaria mainly through the border with Turkey and to some extent through the border with Greece. In 2006, there was an increase in the number of attempts by Moldovan nationals to cross the Bulgarian-Greek border in the direction of Greece. A decrease in the number of illegal crossings by Afghan nationals has been observed in 2006, as well as in the overall level of illegal entries through the Turkish border.⁴⁰

The international train route Istanbul-Sofia has been frequently used by people smugglers. In 2006, 461 persons were smuggled into Bulgaria, including 82 minors. A total of 161 smugglers were apprehended in the same year, mostly coming from Turkey and Bulgaria.⁴¹

Outflows:

Table 16. Bulgarian nationals apprehended within the EU (2003-2005)⁴²

Year	No.
2003	13,426
2004	11,803
2005	11,260

Source: European Commission, 2006.

⁴⁰ ICMPD (2007) 2006 Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe, Vienna.

⁴¹ Ibid.

⁴² European Commission (2006) *Second Annual Report on the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Border Controls, and the Return of Illegal Residents*.

Table 17. Apprehensions of Bulgarian nationals by EU member states and accession countries in 2003⁴³

Country	No.
Austria	4,194
Greece	1,686
Belgium	1,511
Spain	834
Poland	638
Netherlands	589
Portugal	303
Slovenia	108
Malta	49
Denmark	47
Other countries	3,467
Total	13,426

Source: European Commission, 2003.

Table 18. Bulgarian nationals refused entry to EU, 2003-2005⁴⁴

Year	No.
2003	20,013
2004	19,983
2005	20,393

Source: European Commission, 2006.

Inflows:

Table 19. Aliens refused entry to Bulgaria, 2002-2005⁴⁵

Year	No.
2002	6,928
2003	5,917
2004	6,395
2005	6,561

Source: European Commission, 2006.

⁴³ European Commission (2003) *Annual Report on Asylum and Migration*, http://ec.europa.eu/justice_home/doc_centre/asylum/statistics/doc_annual_report_2003_en.htm

⁴⁴ European Commission (2006) *Second Annual Report on the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Border Controls, and the Return of Illegal Residents*.

⁴⁵ Ibid.

Table 20. Apprehended aliens illegally present in Bulgaria, 2002-2005⁴⁶

Year	No.
2002	400
2003	454
2004	877
2005	1190

Source: European Commission, 2006.

Table 21. Number of border violations by country of origin⁴⁷

Country	2005	Country	2006
Bulgaria	3,826	Bulgaria	4,135
Afghanistan	480	Turkey	269
Turkey	259	Moldova	190
Moldova	113	Afghanistan	119
Romania	88	Serbia	73
Serbia and Montenegro	68	Romania	63
India	56	Iraq	62
Iraq	52	The former Yugoslav Republic of Macedonia	54
Ukraine	46	Georgia	53
The former Yugoslav Republic of Macedonia	44	China	45
Total (all countries)	5,535	Total (all countries)	5,518

Source: ICMPD, 2007. Border violations include movement in and out of Bulgaria.

⁴⁶ Ibid.

⁴⁷ ICMPD (2007) *2006 Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe*, Vienna.

5.2. Figures and information on return migration flows

Return from Bulgaria:

Table 22. Aliens removed from Bulgaria, 2002-2006⁴⁸

Year	No.
2002	722
2003	814
2004	1,271
2005	493

Source: European Commission, 2006.

Table 23. Number of persons forcibly returned from Bulgaria in 2005-2006 by nationality⁴⁹

Country	2005	Country	2006
Turkey	146	Moldova	183
Moldova	81	Turkey	92
Afghanistan	54	Georgia	48
Algeria	25	China	38
Romania	23	Iraq	34
China	23	Iran	23
Tunisia	17	Afghanistan	23
Ukraine	15	FYROM	17
Palestinian territories	15	Romania	14
Total (of any country of origin)	493	Total (of any country of origin)	570

Source: ICMPD, 2007.

⁴⁸ European Commission (2006) *Second Annual Report on the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Border Controls, and the Return of Illegal Residents*.

⁴⁹ ICMPD (2007) *2006 Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe*, Vienna.

Return to Bulgaria:

Table 24. Bulgarian nationals removed from the EU and EU accession countries in 2003⁵⁰

Country	No.
Greece	2,113
Germany	1,524
Belgium	1,503
Netherlands	1,411
Italy	916
Austria	630
Poland	583
France	308
Spain	267
Finland	237
Sweden	201
Portugal	103
Slovenia	103
Denmark	100
Malta	54
Slovakia	23
Total (of any country of origin)	19,656

Source: European Commission, 2003.

⁵⁰ European Commission (2003) *Annual Report on Asylum and Migration*, http://ec.europa.eu/justice_home/doc_centre/asylum/statistics/doc_annual_report_2003_en.htm

Table 25. Number of IOM-assisted voluntary returns to Bulgaria, 2005-2006⁵¹

Host Country	2005	2006	Total
Germany	272	131	403
Belgium	151	89	240
Austria	55	74	129
Netherlands	25	50	75
Czech Republic	10	8	18
Switzerland	10	7	17
Italy	5	4	9
Finland	3	3	6
Spain		5	5
Slovakia	4		4
Norway	3		3
Hungary		1	1
Portugal	1		1
Other	1		1
Total	540	372	912

Source: IOM, 2007.

5.3. Figures and information on trafficking in human beings

Bulgaria is a one of the primary countries of origin and transit for victims of trafficking in the region. To a lesser extent, it is also a country of destination. A total of 621 Bulgarian victims were identified and assisted by governmental agencies, non-governmental organizations (NGOs), and international organizations between 2000 and 2004. In the same period, 86 foreign victims were identified and assisted in Bulgaria.⁵² Minors and members of ethnic minorities were highly represented among the victims. Victims of all forms of trafficking crossed borders at legal crossings and with legal documents, most likely due to the relative lack of obstacles for Bulgarian nationals in crossing the EU borders. The key destination countries for Bulgarian victims include the United Kingdom, Germany, Italy, Austria, Belgium, Poland, and France⁵³ as well as the Netherlands and Norway.⁵⁴

⁵¹ IOM AVR Database.

⁵² Surtees, R. (2005) *Second Annual Report on Victims of Trafficking in South-Eastern Europe*, Regional Clearing Point

⁵³ Ibid.

⁵⁴ The Bulgarian National Commission on Combating Trafficking in Human Beings.

Table 26. Number of victims trafficked to or originating from Bulgaria, 2000-2004⁵⁵

	2000	2001	2002	2003	2004	Total
Foreign victims of trafficking	24	41	4	6	11	86
Bulgarian victims of trafficking	46	96	164	172	142	621

Source: Regional Clearing Point, 2005.

Table 27. Official data for victims of trafficking of the National Commission for combating trafficking in persons

	2004	2005	2006	2007
Pre-trial proceedings for trafficking	130	159	219	214
Indictments brought to court		32	72	68
Convicted persons for trafficking		27	71	85
Victims of Trafficking (total)	170	211	329	288
*Adults	130	150	267	235
* Children	40	61	62	53

Table 28. Victims of trafficking assisted by IOM, 1999-2007⁵⁶

Year	Bulgarian victims	Foreign victims	Total
1999	1	0	1
2000	14	11	25
2001	49	43	92
2002	121	3	124
2003	80	6	86
2004	72	11	83
2005	66	6	72
2006	78	4	82
2007	58	3	61
Total	539	87	626

Source: IOM.

⁵⁵ Ibid.

⁵⁶ IOM Sofia Database.

Table 29. Prosecution of trafficking cases

Year	Investigations	Indicted persons	Convictions
2003		13	0
2004	130	44	3
2005	159	63	33
2006	219	129	71
2007	209	97	73

Source: Ministry of Foreign Affairs, Republic of Bulgaria (2008)

Majority of Bulgarian victims were trafficked for sexual exploitation (84.7% in 2004) and in some cases, for labour exploitation, begging, and delinquency. Foreign victims were trafficked for sexual exploitation as well as for labour exploitation, and intercepted mainly en route to EU destinations or the Balkans. Significant countries of origin of foreign victims during 2000-2004 were Ukraine, Moldova, and Romania.⁵⁷

Bulgaria is the first country in the region where cases of trafficking for adoption have been identified (nine cases identified in 2004 with further 30 cases under investigation). In all cases, mothers were involved and the babies were born in the countries of destination. Majority of victims originated from ethnic minorities. Key destination countries include France and Greece.⁵⁸ There is anecdotal evidence that child trafficking for adoption continues following the EU accession of Bulgaria in January 2007.⁵⁹

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Child Trafficking Boom Evident in Bulgaria Report (2007). *The Sofia Echo*, http://www.sofiaecho.com/article/child-trafficking-boom-evident-in-bulgaria-report/id_22726/catid_69; BBC Exposes Bulgarian Child Trade, (2007), *BBC News*, <http://news.bbc.co.uk/2/hi/europe/6917308.stm>

6. ASSESSMENT AND ANALYSIS OF MIGRATION ISSUES

6.1. Government institutions responsible for migration policy

In 2003, the **Migration Directorate** was set up within the **Ministry of Interior**. Among other functions, it is responsible for issuing residence permits, implementing the administrative aspects of measures relating to foreign nationals, return of irregular migrants and providing input to the consultative procedure of obtaining, restoring and release from Bulgarian nationality by giving a stand on candidates' application for Bulgarian citizenship.

The **State Agency for Refugees (SAR)** (<http://www.eref.government.bg>) manages, coordinates, and controls the implementation of State policies relating to granting refugee status and humanitarian status in Bulgaria. Among other duties, the Agency maintains a database of all asylum applicants and manages two reception centres (in Sofia and Banya, Nova Zagora) as well as an integration centre in Sofia.

The **National Police Service** is responsible for the issuance of identity documents and residence permits and for administrative control.

The **Border Police Main Directorate** within the General Police Directorate of the National Police Service is responsible for border control.

The Ministry of Justice and in particular the Citizenship Council set up within the Ministry. It is chaired by a Deputy Minister of Justice and consists of representatives of the Ministry of Justice, the Ministry of Foreign Affairs, the MoI, the Ministry of Regional Development and Public Works, the Ministry of Labour and Social Policy, the Ministry of Health and the State Agency for National Security, the ABA and the SAR. Under the Bulgarian Citizenship Act, the Citizenship Council gives opinions on applications and motions in connection with Bulgarian citizenship following a written opinion on behalf of the State Agency for National Security. The Minister of Justice, proceeding from the opinion of the Citizenship Council, makes a motion to the President of the Republic of Bulgaria to issue a decree or to refuse to issue a decree on acquisition, resumption, release from, or deprivation of Bulgarian citizenship, as well as on revocation of naturalization.

The **Ministry of Labour and Social Policy** (<http://www.mlsp.government.bg>) proposes and implements measures for regulation of labour migration and for protection of the national labour market.

The **Employment Agency** (<http://www.az.government.bg>) under the Ministry of Labour and Social Policy issues work permits at the request of employers in consideration of the local labour market situation. The total number of foreign nationals working for a particular employer cannot exceed 10 per cent of the employees who are Bulgarian nationals or recognized refugees. It also provides mediation services to Bulgarian citizens seeking job abroad.

The ABA (<http://www.aba.government.bg>) at the Council of Ministers coordinates the implementation of state policies towards Bulgarians leaving abroad. It is involved in the whole procedure of obtaining Bulgarian citizenship. The ABA verifies Bulgarian origins of members of Bulgarian minorities in other countries, who are candidates for Bulgarian citizenship. It is responsible for the implementation of a part of the National Strategy of Demographic development of Bulgaria 2006 – 2020 as well as the National Strategy of Migration and integration 2008 – 2015.

The **National Commission for Combating Trafficking in Human Beings** (<http://www.antitrafic.government.bg>) was established in 2005 with the Council of Ministers and is responsible for the coordination of national efforts in the field of combating trafficking as well as implementation of the Law on Countering Trafficking in Human Beings as well as the National Programme for Prevention and Combating of Trafficking in Human Beings and Protection of Victims of Trafficking. Specifically, the Commission is tasked to develop manage, co-ordinate and supervise the implementation of the national policy and strategy for counteracting trafficking in human beings and protection of the victims; to organize and coordinate the interaction between the individual administrative bodies and organizations for the implementation of the Combating Trafficking in Human Beings Act and the National Program for Prevention and Counteraction of Trafficking in Human Beings and Protection of the Victims; to organize research, analysis and statistical recording of data on human trafficking, risk factors, risk groups and new trends; To carry out information, awareness and educational campaigns targeted at potential victims of trafficking; To work for the protection and reintegration of the victims of human trafficking and to suggest new legal measures for synchronization of Bulgarian legislation with international law with regard to victims' protection

The **State Agency for Child Protection** (<http://www.sacp.government.bg>), with the cooperation of ministries, is responsible for the development of

State policy for child protection as well as national and regional child protection programmes and their implementation. It is involved in the implementation of the National Action Plan against Commercial Sexual Exploitation of Children (in co-operation with the United Nations Children's Fund (UNICEF)) and the National Programme for Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims 2005, where it is responsible for media training, awareness raising campaigns, development of the National Child Hotline, coordination mechanism for referral management of unaccompanied Bulgarian children returned from abroad, and development of measures for limiting Internet usage for recruiting potential victims of trafficking.⁶⁰

6.2. International legal framework in place relevant to migration

Status of International Treaties as ratified by Bulgaria

- C97 Migration for Employment Convention 1949, not ratified.
- Convention relating to the Status of Refugees 1951, acceded to on 12 May 1993.
- International Convention on the Elimination of All Forms of Racial Discrimination 1965, ratified on 4 January 1969.
- International Covenant on Civil and Political Rights 1966, ratified on 23 March 1976.
- International Covenant on Economic, Social and Cultural Rights 1966, ratified on 3 January 1976.
- C143 Migrant Workers (Supplementary Provisions) Convention 1975, not ratified.
- Convention on the Elimination of All Forms of Discrimination against Women 1979, ratified on 10 March 1982.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, ratified on 26 June 1987.
- Convention on the Rights of the Child 1989, ratified on 3 July 1991.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, not ratified.
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime 2000, ratified on 5 December 2001.

⁶⁰ National Programme for the Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims, Bulgaria, 2005.

- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, ratified on 5 December 2001.

Council of Europe Conventions

- European Convention on Human Rights, ratified on 7 September 1992.
- Council of Europe Convention on Action against Trafficking in Human Beings, 2005, ratified on 17 April 2007.

Bilateral Labour Agreements

- Germany

Agreement on the employment of workers from Bulgarian enterprises for the implementation of employment contracts in Germany, signed on 12 March 1991.

Agreement on the employment of Bulgarian workers in Germany aimed at improving their vocational and linguistic skills, signed on 4 February 1992.

Agreement for mediation of Bulgarian workers for temporary employment in the hospitality industry and in households of persons in need of special care in Germany, signed on 17 June 2005.

- Switzerland

Agreement between Bulgaria and Switzerland for the exchange of trainees, signed on 5 April 1995.

- Luxembourg

Agreement between Bulgaria and Luxembourg for the exchange of trainees, signed on 6 December 2002.

- Spain

Agreement between Bulgaria and Spain for the regulation of labour migration between both countries, signed on 28 October 2003.

- France

Agreement between Bulgaria and France for the exchange of trainees, signed on 9 September 2003

- Czech Republic

Agreement between Bulgaria and the Czech Republic for mutual employment of their citizens, signed in 2000

- Portugal

Agreement between Bulgaria and Portugal for mutual employment of their citizens, signed in 2003

- Greece

Agreement between Bulgaria and Greece on seasonal work employment, signed on 15 December 1995.

Readmission Agreements

Readmission agreements are in place with Albania (2002), Austria (1998), Belgium (2005), Czech Republic (1998, 2005), Croatia (2001), Estonia (2003), Finland (1998), France (1997), the former Yugoslav Republic of Macedonia (2001), Germany (1994, 2006), Georgia (2002), Greece (1998), Hungary (1998), Italy (1998), Ireland (2002), Latvia (2002), Lebanon (2002), Luxembourg (2002), Netherlands (2002), Norway (1998), Poland (1994), Portugal (1998), Slovakia, Slovenia (1998), Spain (1997), Sweden (1999), Switzerland (1994), Ukraine (2001), and United Kingdom (2004).

Currently being negotiated are agreements with Cyprus, Russia, Tunisia, and Turkey.

As an EU member state, Bulgaria is also party to the European Community readmissions agreements signed so far with Hong Kong (27 November 2002), Macao (13 October 2003), Sri Lanka (4 June 2004), Albania (14 April 2005), Russian Federation (12 October 2005), Ukraine (18 June 2007), Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia (all on 18 Sept 2007), and Moldova (10 October 2007).

6.3. Migration policies in place

The policy framework for migration management in Bulgaria is framed by, on one hand, compliance with the European principle of free movement of persons, and, on the other hand, an objective of retaining its human capital and encouraging the return of emigrants. The most important amendments in the legislation and practice of Bulgarian migration policy in recent years were subject to the primary goal of joining the EU, therefore Bulgaria introduced EU measures to counteract the abuses of asylum procedures and to prevent illegal immigration. The real challenge for Bulgaria's migration policy remains to alleviate the negative consequences of the outflow of emigrants and the negative demographic trends, and to create incentives for the return of highly qualified nationals.⁶¹

With its accession to the EU, Bulgaria applied the European Community law in the field of free movement of workers (The Council of Ministers Decision of 21 December 2006). The visa-free agreements, which were in force with certain countries (Georgia, the Russian Federation, Tunisia, Ukraine), were terminated to comply with the negative Schengen visa list.

The entry and residence of foreigners is regulated by the Law for Foreigners in the Republic of Bulgaria, which has been harmonized with the European *acquis*. The Employment Promotion Act deals with the employment of foreigners in Bulgaria on the basis of a work permit. The Regulation on the Terms and Procedures for Issuance, Denial, and Suspension of Foreign Nationals' Work Permits in the Republic of Bulgaria deals with specific conditions of granting work permits. The 2001 amendments to the Law of Foreigners have introduced measures relating to family reunification, bogus marriages, employment of foreigners, etc. In 2003, Bulgaria adopted amendments to the Law for Foreigners to transpose the European Community rules on carriers' liability, to provide for special reception centres for foreign nationals awaiting expulsion, and to establish a register of foreign residents in Bulgaria.

The Law on Trafficking in Human Beings was adopted in 2003 stipulating the establishment of The National Commission for Combating Trafficking in Human Beings. The Regulation for the Organization and Activity of the National Commission for Combating Trafficking in Human Beings was approved by Government Decree No. 40 of the Council of Ministers of March 1, 2004 (State Gazette, No. 19, March 9, 2004). In February 2005, the government adopted the National Programme for Prevention and Combating of Trafficking in Human Beings

⁶¹ Kicinger, A., and K. Saczuk (2004) *Migration Policy in the European Perspective - Development and Future Trends*, Central European Forum for Migration Research (CEFMR), Working Paper 1/2004.

and Protection of Victims of Trafficking, which has since been adopted and approved annually by the Council of Ministers.⁶² The Law on Support and Financial Compensation to Crime Victims was adopted in 2006. The Law on the Protection of Persons Threatened in Connection with Penal Proceedings, in effect as from 25 May 2005, creates, in case the relevant legal preconditions exist, guarantees for protection of witnesses in proceedings against groups or persons perpetrated crimes under Art. 280 of the Penal Code, i.e. taking across the border of the country individuals or groups of people without permit of the respective bodies of the authority or, though by a permit but not at the places determined for that purpose. In 2005, Bulgaria implemented a number of changes in border control and visa policy to meet the obligations of the Schengen *acquis*. The Integrated Border Management Strategy was approved and border facilities were upgraded.⁶³

In 2007, following a decision of the Council of Ministers, the Minister of Social Affairs set up an interdepartmental working group on migration and integration of immigrants. It absorbed three previous working groups on migration and reintegration of labour migrants and their families in Bulgaria, coordination of systems for social security and professional schemes, and bilateral labour agreements.

6.4. The scale of brain drain and policies to address it

There have been no systematic empirical analyses of the impact of skilled emigration on Bulgaria. The emigration rate of persons with tertiary education from Bulgaria was 5.8 per cent in 2000, and the ratio for physicians in that year was 2.3 per cent.⁶⁴ Bulgaria's share of labour force with tertiary education is relatively high (16% in 2001 according to the Labour Force Survey),⁶⁵ as with the number of physicians among the working-age population (4,842 per million working-age persons in 1999).⁶⁶ As with the physicians, the rate of scientists and researchers among Bulgaria's working-age population remains high, compared to other countries in Central and Eastern Europe. Regarding the academic employees, their number has decreased between 1985 and 1999 by approximately 11 per cent, but there are no data as to any possible emigration effect.⁶⁷ According

⁶² Ibid.

⁶³ OECD (2007) *International Migration Outlook: SOPEMI 2007*, Paris.

⁶⁴ World Bank, Development Prospects Group (2005) *Migration and Remittances Factbook*, after Docquier and Marfouk (2004) and Docquier and Bhargava (2006).

⁶⁵ National Statistical Institute (2009). *Labour Force Survey Ad Hoc Modules*, http://www.nsi.bg/Labour_e/Labour_e.htm

⁶⁶ Gachter, A. (2002) *The Ambiguities of Emigration: Bulgaria since 1998*, International Migration Papers 39, ILO, Geneva.

⁶⁷ Ibid.

to Beleva and Kotzeva (2001), of 6,005 scientists who separated from their jobs during 1989-1996, only 600 emigrated.⁶⁸ Overall, there is no conclusive evidence showing that “brain drain” is a serious issue in Bulgaria.

6.5. Policies to address irregular migration

The Integrated Border Management Strategy was adopted in 2006, which introduced new priorities in border management to achieve institutional strengthening, reinforced border security, effective combating of cross-border crime, and increased cooperation between responsible authorities at the national and international levels.⁶⁹

Since the beginning of 2006, a specialized facility for interim accommodation of foreign nationals, who are subject to escort out of the country or expulsion, has been operating in Sofia under the control of the Migration Directorate at the MoI. As of the end of 2006, there were 137 foreign nationals (8 women and 129 men) and two accompanied minors detained in the centre. As of the end of July 2007, their number reached 117 (13 women and 104 men) from 29 countries.⁷⁰

6.6. Policies to address trafficking in human beings

Bulgaria has one of the most comprehensive legal frameworks for combating trafficking in human beings in the region. The National Commission for Combating Trafficking in Human Beings and six local commissions are responsible for coordinating relevant agencies in the implementation of the 2003 Law on Countering Trafficking in Human Beings, developing the annual National Programmes for Prevention and Combating of Trafficking in Human Beings and Protection of Victims of Trafficking, conducting prevention campaigns, training of service providers, and research and data gathering. They are also responsible for setting up shelters for victims of trafficking, and Centres for Protection and Support of Victims of Trafficking. The Bulgarian National Counter-Trafficking Commission has opened its new offices in 23 October 2007 with support of IOM and the United States Agency for International Development (USAID).

The Law on Countering Trafficking in Human Beings, which was entered into force in May 2003, includes a variety of measures to assist and support the victims. Under the Bulgarian Penal Code, since 2002, both within the borders

⁶⁸ Beleva, I., and M. Kotzeva (2001) *Skilled Labour Migration from Developing Countries: Study on Bulgaria*, ILO, Department of International Development, December 2001.

⁶⁹ Ibid.

⁷⁰ Ministry of Interior, Bulgaria (2007) *Report on the Migration Situation in the Republic of Bulgaria in 2006* (in Bulgarian).

of the country and cross border trafficking, is being penalized for the purposes of “vicious practice, involuntary servitude, seizure of body organs or to be kept under compulsory submission”. Trafficking for the purpose of selling babies add to this list since 2006.⁷¹

In May 2007 the Parliament adopted amendments in the Penal Code introducing a new article 155a. By virtue of para 1 of the above-mentioned article, anyone, who for the purpose of establishing a contact with a person who is under 18 years of age, in order to perform fornication, copulation, sexual intercourse or prostitution, provides in Internet or in another way information about him/her, shall be punished by law. In view of Article 155a, para 2, the same punishment shall be imposed also on that person, who for the purpose of a fornication, copulation or sexual intercourse, establishes a contact with a person who is under 14 years of age, by using information provided in Internet or in another manner. The introduction of this new provision in the Penal Code can be considered a prevention measure in the misuse of Internet not only for committing the above-mentioned offence, but could in a broader sense be also be interpreted as preventive with regard to the recruitment of victims of trafficking.

Drafting an amendment and supplement to the Penal Code for execution of the obligations taken by Bulgaria according to art. 19 of the Convention of the Council of Europe for combating trafficking in human beings, for criminalization of the conscious use of services of trafficked victims. Penal Policy Consulting Board was established as a special consultative body, which will outline the directions and principles of the penal policy in the Republic of Bulgaria.

The Combating Trafficking in Human Beings Act adopted in 2003 regulates the role and the relations between the governmental and non government organizations.

The highlights of the law are:

- Focus on prevention and protection of victims **especially women and children**;
- Cooperation between the governmental and non-governmental actors in setting up the national policy;
- Setting up definitions of “*reflection period*” and “*recovery period*”;
- Special protection for victims who are cooperating with police authorities;
- Formalizes the relationship with the NGOs.

⁷¹ See also Penal Code, Section IX. Trafficking of people (New, SG 92/02), Art. 159a (New, SG 92/02), Art. 159b (New, SG 92/02), Art. 159c (New, SG 92/02).

Claims for compensation

Victims of trafficking in human beings have the opportunity to ask claims for compensation under three points of the domestic legislation:

- a civil claim during the penalty process;
- a claim for unallowed damages under the Civil Procedure Code;
- a claim for financial compensation by the state under the provisions of the support and financial compensation of victims of Crimes Act.

Victims' protection

According to Bulgarian legislation, victims of trafficking in human beings can request protection under the following domestic legal acts:

- Penal Code (Art. 290 – 293, Art. 144, para. 1-3, Art. 116 pt.8).
- Penal Procedure Code (Art. 123 – 124, 141, 139 para. 7 and Art. 474).
- Protection of Persons Threatened in the Process of Penalty Procedures (SG 103/23.11.2004).
- Special protection under Combating Trafficking in Human Beings Act (2003) Art. 26.

The National programme for prevention and counteracting trafficking in human beings and protection of victims has been developed on annual basis since 2005. It has a permanent content and each year activities within its six sections are developed depending on the actual conditions in the country regarding human trafficking and the actual needs in the processes of prevention, victims' assistance and reintegration. The activities are divided into the following sections:

Section I – Institutional and organization measures;

Section II – Prevention;

Section III – Training and qualification;

Section IV – Protection, rehabilitation and reintegration of victims of trafficking;

Section V – International cooperation;

Section VI – Legislative measures.

According to the data from the *2007 Report* of the National Commission for Combating Trafficking in Human Beings, the official statistics regarding cases initiated and closed at the Supreme Court of Cassation of the Republic of Bulgaria, Penal College, under Art. 155 and Art. 159a – 159 c of the Penal Code, is as follows: 4 cases initiated in 2006 and 7 case initiated in 2007 were finalized in 2007.

In order to provide access to humanitarian programmes and services for protection and reintegration to victims of human trafficking in Bulgaria a **National referral mechanism for victims of trafficking** is under development. The National referral mechanism will complement and incorporate to some extent the existing Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children.

Apart from the measures mentioned above for which the national and local commissions are responsible, the law stipulates assistance by Bulgarian diplomatic posts abroad to victims identified in another country, confidential treatment of the victim's situation, involvement of the State Agency for Child Protection, separate premises for children, and special protection for victims (including a long-term stay in the country, prolonged stay in the shelters, as well as special protection under the Criminal Procedures Code).⁷²

The National Programme for Prevention and Combating of Trafficking in Human Beings and Protection of Victims of Trafficking was adopted in February 2005. It lays down measures for the better application of the current law, raising awareness, providing assistance to victims and strengthening international cooperation, as well as other complementary measures.⁷³

In 2006, the Bulgarian police conducted 202 sex trafficking and 6 labour trafficking investigations, a significant increase from the 134 sex trafficking and 7 labour trafficking investigations in 2005.⁷⁴ In 2006, 129 persons were prosecuted, an increase from 63 in 2005. A total of 71 traffickers were convicted, up from 34 in 2005.⁷⁵ Thirty-eight traffickers were apprehended in 2006, most of them Bulgarian citizens.⁷⁶

All victims in Bulgaria are eligible for free medical and psychological care provided through public hospitals and NGOs. Victims are encouraged to assist in trafficking investigations and prosecutions; those who choose to cooperate with law enforcement agencies are provided with residency and employment rights for the duration of the criminal proceedings. Foreign victims who choose not to cooperate in trafficking investigations are permitted to stay in Bulgaria for only one month and ten days before they are repatriated.⁷⁷

⁷² El-Cherkeh, T., E. Stirbu, S. Lazaroiu, and D. Radu (2004) *EU-Enlargement, Migration and Trafficking in Women: The Case of South Eastern Europe*. HWWA-Report 247, Hamburg Institute of International Economics, Hamburg.

⁷³ European Commission Bulgaria Monitoring Reports 2004, 2005.

⁷⁴ US Department of State (2007) *Trafficking in Persons Report*.

⁷⁵ *Ibid.*

⁷⁶ ICMPD (2007) 2006 Yearbook on *Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe*, Vienna.

⁷⁷ US Department of State (2007) *Trafficking in Persons Report*.

Return procedures for minors, which have been developed in 2005 under the Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM, stand as an example of good practice, including security and family assessments and specialized procedures for interacting with minors. The Bulgarian police have specialized officers responsible for conducting interviews with trafficked minors.⁷⁸ In January 2007 the government opened three crisis centres in the village of Balvan (Veliko Tarnovo Region), Pazardjik and Dragoman (Sofia Region) that provide rehabilitative, psychological, and medical assistance specifically tailored to address the needs of child trafficking victims. The growing need led to the opening of a fourth centre in 2008 in village of Alfatar. The fifth one is planned to be open in Pasarel. The centres work 24 hours, 7 days a week and have personnel of totally 28 people. The accommodation capacity of each centre is 10 children age of 6 to 18 years old. The duration of stay is up to 6 months depending on the individual needs and the level of readiness of the child and the family for reintegration. As of the end of 2007, the total number of children using the service was 26.

In 2007, the “Child Protection” departments at the “Social Assistance” directorates had monitored 37 cases of unaccompanied Bulgarian children repatriated from abroad. Three crisis centres exist that provide rehabilitative, psychological, and medical assistance specifically tailored to address the needs of child trafficking victims.⁷⁹ The Bulgarian police have specialized officers responsible for conducting interviews with trafficked minors.⁸⁰ Three crisis centres exist that provide rehabilitative, psychological, and medical assistance specifically tailored to address the needs of child trafficking victims.⁸¹

Changes to the Penal Code introducing additional fines and punishments for trafficking of newborn children were proposed to the Bulgarian Parliament in 2006.

6.7. Refugees, asylum seekers and relevant policies in place

From 1 January 1993 until 31 December 2007, a total of 16,366 persons applied for protection in Bulgaria. A total of 1,425 persons were recognized as refugees and 3,819 were given humanitarian status.⁸² Asylum seekers came from

⁷⁸ Surtees, R. (2005) *Second Annual Report on Victims of Trafficking in South-Eastern Europe*, Regional Clearing Point.

⁷⁹ US Department of State (2007) *Trafficking in Persons Report*.

⁸⁰ Surtees, R. (2005) *Second Annual Report on Victims of Trafficking in South-Eastern Europe*, Regional Clearing Point.

⁸¹ US Department of State (2007) *Trafficking in Persons Report*.

⁸² State Agency for Refugees, Bulgaria (2008) <http://aref.government.bg/?cat=21>

39 different countries. The main countries of origin in 2006 were Afghanistan, Iraq, Armenia, the Islamic Republic of Iran, and the Russian Federation. Most reside in the capital or in other urban areas such as Plovdiv, Varna, and Burgas, as job opportunities there are significantly higher than in the rural areas.⁸³ After three years of residence in Bulgaria, recognized refugees may apply for citizenship and since June 1999, 70 have been granted Bulgarian citizenship.⁸⁴

According to the findings of the United Nations High Commissioner for Refugees (UNHCR) border monitoring activities in 2005, approximately 90 per cent of refugees and asylum seekers reached Bulgaria by illegally crossing the green border (predominantly the Bulgarian-Turkish border and recently the Bulgarian-Greek border).⁸⁵

In 2006, the number of applications for asylum submitted in Bulgaria was the lowest since 1987. During 2006, 639 new applications for asylum were received, 12 persons were recognized as refugees, and 83 were granted humanitarian status.⁸⁶

The number of asylum seekers **from** Bulgaria in 2006 has dropped to 40 per cent from the previous year (from 3,212 in 2005 to 1,933 in 36 industrialized countries) with Finland and Sweden representing some of the main countries of destination.⁸⁷

Currently, there are two registration/reception centres for asylum seekers in Bulgaria; one within the premises of the SAR in Sofia for approximately 400 asylum seekers, and the second in the village of Banya near Nova Zagora, with a capacity of some 80 beds. In addition, two centres for temporary accommodation of asylum seekers, run by the National Service Border Police (NSBP), are located at the Turkish-Bulgarian border checkpoints of Kapitan Andreevo and Liubimetz.⁸⁸

Bulgaria ratified the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol in 1993. The Law on the Right to Asylum and

⁸³ UNHCR (2006) *Background Note on the Protection of Asylum Seekers and Refugees in Bulgaria*; UNHCR (2006) *2006 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*; UNHCR (2006) *Asylum Levels and Trends in Industrialized Countries*.

⁸⁴ <http://www.un-bg.bg/index.php5?l=2&p=3&>

⁸⁵ UNHCR (2006) *Background Note on the Protection of Asylum Seekers and Refugees in Bulgaria*.

⁸⁶ UNHCR (2006) *2006 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*.

⁸⁷ UNHCR (2006) *Asylum Levels and Trends in Industrialized Countries*.

⁸⁸ UNHCR (2006) *Background Note on the Protection of Asylum Seekers and Refugees in Bulgaria*.

Refugees (LAR) was adopted in May 2002 and has been in force since December 2002.⁸⁹ It implements the provisions of the Geneva Convention and its 1967 Protocol and provides for the creation of the SAR. The Agency manages a database of asylum seekers, manages the work of the two reception centres, and provides integration services under the National Programme for Integration of Refugees 2005-2007 through its integration centre in Sofia.

In March 2005, the Law on the Right to Asylum and Refugees was amended. These amendments introduced a clear distinction between refusal, discontinuation of the procedure, and withdrawal, in line with the Geneva Convention.⁹⁰

The National Programme for Integration of Refugees, adopted by the Council of Ministers in 2005, with an annual budget of approximately EUR 153,400 for 2006, is expected to continue in 2007. It aims to ensure that all individuals who have been granted refugee or humanitarian status are provided with shelter, social assistance, health insurance, Bulgarian language training, and social and cultural counselling during the year after their recognition.⁹¹

6.8. Other important migration actors within the country

International actors

The **Bulgarian Red Cross (BRC)** has been involved in refugee assistance and protection since 1993. The Refugee-Migrant Service (RMS) of BRC was established in 1997 as a separate administrative and operative body within the National Committee. The RMS has branches in the BRC regional committees in the cities of Haskovo, Sliven, Burgas, Blagoevgrad, and Vidin. The RMS is committed to facilitating refugee integration, preventing the isolation of migrants, and promoting tolerance for migrants and refugees in the Bulgarian society.

Refugee-Migrant Service
1407 Sofia 76, James Baucher Blvd.
Tel.: +359 2 81 64 814; Fax: +359 2 81 64 730
E-mail: lotus@redcross.bg
<http://www.redcross.bg>

The **International Labour Organization (ILO)** assists Bulgaria through its Decent Work Country (DWC) programme. The priorities for 2006-2007 of the DWC programme in Bulgaria are employment and labour market policies that meet national needs and comply with EU standards; improved social protection

⁸⁹ UNHCR (2006) *Background Note on the Protection of Asylum Seekers and Refugees in Bulgaria*.

⁹⁰ European Commission Bulgaria Monitoring Reports 2004, 2005.

⁹¹ UNHRC (2006) UNHCR Country Operational Plan 2007 – Bulgaria.

policies, including better working environment for vulnerable groups; strengthened representation, services, and influence of the social partners; improved social dialogue at all levels; and new judiciary mechanisms for the settlement of labour disputes.

ILO National Correspondent in Bulgaria

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Tel: +359 2 980 20 76; Fax: +359 2 980 20 76

E-mail : pmarkova@tea.bg

IOM Subregional Office for Central and Eastern Europe: <http://www.ilo-ceet.hu>

Bulgaria became a member of the **International Organization for Migration (IOM)** in 1994 and an official agreement for cooperation between Bulgaria and IOM was signed and ratified by the Bulgarian parliament in year 2000. Since then, IOM Bulgaria has actively supported the government in addressing the challenges of migration and has assisted over 750 vulnerable migrants of different categories.

IOM Sofia operates six regional, walk-in Information Consultancy Centres, operating in Burgas, Plovdiv, Ruse, Sofia, Vidin, and Sliven (where a pilot Information Social Support Centre for the Roman community was also established). The Information Consultancy Centres provide support to potential migrants and victims of trafficking and act as agents for trafficking awareness-raising campaigns, thereby increasing the outreach of IOM Bulgaria prevention activities.

25 Khan Krum, Sofia

Tel.: +359 2 981 63 65

Email: iomsofia@iom.int

<http://www.iom.bg>

The **United Nations in Bulgaria** (<http://www.un-bg.bg>) is a significant partner of the Bulgarian government in addressing migration issues. It carries out its mandate through its various offices.

The **United Nations Development Programme (UNDP) Bulgaria** aims to make a significant contribution to poverty reduction through initiatives for social inclusion and local economic development, increased quality of life, and good governance for equitable local and regional development. To do this, UNDP conducts projects that are intended to build the national institutional, operational, and administrative capacities and to reach the most disadvantaged segments of

the population and the least developed regions. UNDP Bulgaria strives to be a reliable partner of the Bulgarian government, local authorities, civil society, and private sector. It also aims to assist the country in utilizing the opportunities arising from its membership in the EU.

UN House in Bulgaria
25 Khan Krum Str, P.O. Box 700, 1040 Sofia
Tel.: + 359 2 96 96 100; Fax: +359 2 981 31 84
E-mail: info@undp.bg
<http://www.undp.bg>

The **United Nations High Commissioner for Refugees (UNHCR)** provides financial support as well as guidance in the form of free legal advice to asylum seekers through the Bulgarian Helsinki Committee (BHC) at all stages of the refugee status determination procedure, including legal representation in courts and other institutions. It has facilitated workshops on refugee and human rights law, emergency management, and public administration for MoI officials, Border Police, judges, lawyers, officials of various institutions, NGOs, and representatives of the media. Assistance funded by the UNHCR covers care of, and support to, newly arrived asylum seekers and refugees in the course of their integration.

UNHCR Representation in Bulgaria
1000 Sofia, 19 Denkoglu Street
Tel.: +359 2 980 24 534; Fax: +359 2 980 16 39
E-mail: BULSO@unhcr.ch
<http://www.unhcr.bg>

The **United Nations Children's Fund (UNICEF)** supports the Bulgarian government in its efforts to address problems related to improving early childhood development and the further reduction of child mortality, prevention of school dropouts and absenteeism, prevention of risky behaviour related to HIV/AIDS, and development of life-skills in children and young people. One of UNICEF's priorities is to offer alternatives to the institutionalization of children in addressing the large number of abandoned and disabled children that has resulted in many children being deprived of parental care.

Tel.: +359 2 96 96 208; Fax: +359 2 981 31 84
E-mail: lbacheva@unicef.org
<http://www.unicef.org/albania/>

Local Actors

The **Afghan Cultural Association** was established in 2001 and seeks to popularize Afghan culture and traditions, reckoning with the specifics of the Bulgarian cultural environment, to assist the free and dignified exercise of the cultural rights and satisfaction of the cultural needs of Afghans residents in Bulgaria and to help them learn about Bulgarian culture and integrate successfully in the country.

1336 Sofia, Lyulin Housing Estate, Block 562, 6th Floor, Apt. 21
Tel: +359 2 925 0904
Email: kefa20012000@yahoo.com

The **Animus Association** is an NGO created to help victims of violence. Its members include clinical psychologists, psychotherapists, and social workers. Animus Association also works in the area of prevention of human trafficking and assistance to victims of trafficking.

85 Ekzarh Yossif St., 1000 Sofia
Tel./Fax: +359 2 983 52 05; 983 53 05; 983 54 05
E-mail: animus@animusassociation.org
<http://www.animusassociation.org>

The **Association for Integration of Refugees and Migrants (AIRM)** was established in 2004 to promote international and European standards of social work with refugees and migrants, to assist in the development of national integration programmes and cooperate in their implementation, to train State and private sector officials and local authorities on the specifics of social work with refugees and migrants, and to contribute to the prevention of all forms of racism and discrimination against refugees and migrants.

Sofia 1517, Lambi Krustev“ Street, Block 113, Entrance A, Apt. 6
Tel.: +359 888 304 180; Fax: +359 2 989 9722
Email: airm@airm-bg.org , radeva@airm-bg.org
<http://www.airm-bg.org>

The **Bulgarian Helsinki Committee (BHC)** has been operating the programme for Legal Protection of Refugees and Migrants since 1994. It provides free legal counselling, advice, and representation to asylum seekers, refugees, and forced migrants. Special attention and care is provided to vulnerable categories.

ries—separated children, victims of torture, single parents, disabled, etc. Assistance is provided to recognized refugees for their successful local integration as well as for voluntary return to their home country with safety and dignity.

Address: Sofia 1000, 1, Uzundjovska str
Tel./Fax: +359 2 981 33 18 980 20 49 / 988 00 57
E-mail: refunit@bghelsinki.org
<http://www.bghelsinki.org>

The **Bulgarian Council for Refugees (BCR)** is an independent, non-profit association of NGOs working in the field of protection, reception, and integration of refugees and asylum seekers in Bulgaria. It was established at the end of 2005 following the initiative of the BHC, the BRC, and Caritas Bulgaria. The BCR is a platform for funding, lobbying, and working with the media. It represents the common positions of its members before the government and international institutions, as well as other Bulgarian and foreign NGOs.

Sofia 1000, 19, Denkoglu Str.
Tel./Fax: +359 2 981 97 67
E-mail: bgrc@bulrefcouncil.org
http://www.unhcr.bg/bgrc/index_en.htm

The **Caritas Bulgaria** provides social services to asylum seekers and refugees at the SAR reception centre in Sofia and at its own St. Joseph centre. Services include accompanying and helping the refugees in their contacts with central and local government institutions, advice to unaccompanied minors on their education, support for victims of violence, and referral of victims to specialist service provision.

1504 Sofia, 9 Oborishte street
Tel: +359 2 944 1858 / 944 1873
Fax: +359 2 946 1133
E-mail: migration@caritas-bg.org
<http://www.caritas-bg.org>

The **Council of Refugee Women** assists newly recognized refugees through consultations regarding their initial adaptation and integration, with special attention to women refugees. It provides information regarding their rights and responsibilities in Bulgaria, advocates for their rights with public institutions, represents refugees at public fora, and organizes multicultural events.

1407 Sofia, 76, James Bourcher Blvd.
Tel.: +359 2 81 64 729; Fax: +359 2 81 64 730
E-mail: l.awanis@redcross.bg

The **Ethiopian Association in Bulgaria** was established by Ethiopian refugees and migrants in 2001. It assists the social integration, adaptation and individual development of refugees and migrants from Africa, represents them in contacts with various institutions, informs refugees and migrants regarding their rights and responsibilities within the territory of Bulgaria, familiarizes the Bulgarian public with the history, culture, and traditions of the African communities, and organizes charity events. Some 100 refugees and migrants from Ethiopia, Somalia, Cameroon, Guinea-Bissau, Tanzania, Ghana, Nigeria, Sudan, Eritrea, and Congo are members of the Association.

1220 Sofia, 1, Iliensko Chaussee St., Sofia
Tel./Fax: +359 2 936 3147
E-mail: fromsagutema@yahoo.com

The **Nadya Centre Foundation** was established in 1998 to assist women who have experienced physical, sexual, and psychological violence. It provides psychological and psychiatric counselling to asylum seekers and refugees, group psychotherapy, rehabilitation of refugee groups, and consultation on psychological matters to the social workers at the RMS of the BRC. Members of the team train public officials on issues related to trafficking. Nadya Centre also implements projects for psychological, medical, and legal counselling of women and children victims of violence.

Sofia 1000, 12-A Georgi Benkovski St.
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